

Interview with Allen W. Otto

The Association for Diplomatic Studies and Training Foreign Affairs Oral History Project

ALLAN W. OTTO

Interviewed by: Charles Stuart Kennedy

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[Note: This interview was not edited by Mr. Otto.]

BIOGRAPHY - Allan W. Otto was born in Illinois in 1938. He graduated from Northwestern University. After several years as a high school teacher he joined the United States Foreign Service in 1962. He served at a variety of posts, including Berlin (1965-67), Aden (1967-68), Refugee Affairs in the Department of State (1968-71), Zagreb, Yugoslavia (1971-73), Warsaw, Poland (1973-75), the Operations Center in the State Department (1975-78) Mexico City (1978-81), the Army War College (1981-82), Personnel in the Department (1982-84) and then Deputy Director of the Visa Office (1984-87).

SUMMARY: Allan Otto is a veteran Foreign Service officer, the majority of his career spent in consular affairs with a strong concentration on visa matters. In Berlin he issued visas to East German officials coming to the United States for scientific or cultural programs. In the Department of State he dealt with refugee affairs following the aftermath of the Soviet suppression of Czech democracy in 1968. Assigned to Croatia he noted that the refugee process allowed Yugoslavs to go to Austria to claim refugee status and then return to Yugoslavia to await determination of their status. As chief of the consular section in Poland he felt the displeasure of Congressmen with large Polish-American

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constituencies who felt that he was being too tough in refusing visitors' visas to Poles whom he and his staff felt were not planning to return after a visit and how the visa section felt obliged to show somewhat more leniency than probably warranted because of the political pressures. He discusses the difficulties of junior visa officers having to deal with the strains of a country where many of the visitors' visa applicants are planning to work illegally in the United States. He notes that the Immigration Act forces the visa officers to make subjective decisions but that Congress, which wrote the law, does not want to live by its consequences.

In Mexico nonimmigrant visa matters were complicated by the extent of fraudulent documents and concocted stories. The visa officers were trained to look at "the whole person" to try to determine if a visa was warranted. The problems of how to maintain morale and efficiency with visa officers interviewing long lines of difficult visa cases is examined in some detail.

Otto discusses the role of consular officers in the Foreign Service and how the system selects them.

Finally, in the Visa Office during the Reagan administration, Otto describes how Congress and public pressure brought about a liberalization in the visa process as far as refusals of visas on political grounds were concerned. He discusses the growth of fraudulent documents around the world and how the Visa Office responded. The new Immigration Act of 1986 came about during the time Otto was in the Visa Office and he examines the political pressures on the process. How special provisions were made to benefit the Irish because of their political influence in the Congress. He goes into some detail about the lottery system that was developed to give out more visas than the process had originally provided for. Also covered is how the United States program for getting temporary agricultural workers was developed. Finally he goes into the technological changes that have been required to meet the growing demands for visas with limited manpower on the part of the Department of State.

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Today is September 15, 1992. This is an interview with Allan W. Otto. We're doing this for the Abba Schwartz Foundation concerning visa matters. I'm Charles Stuart Kennedy.

Q: Allan, I wonder if you could give me a bit about your background: when and where were you born and a bit about your education.

OTTO: I was born in Chicago and went to high school there. I went to college at Northwestern University, did a year at the University of Illinois, and kept on graduate work, part time, getting enough education credits to be able to teach. I taught for two years in a high school system just outside of...

Q: What were you teaching?

OTTO: I taught basically social sciences, economics, social studies, and a course called "Current History." I did that for two years and then went into the Foreign Service.

Q: What attracted you toward the Foreign Service?

OTTO: A combination of factors, but I think basically it was the interest in travel, plus seeing what happens from the inside, when you're in the government. It's one thing to read about it and study it. It's another thing to be a practitioner.

Q: Well, you came in in 1962, which was still the Kennedy era, wasn't it?

OTTO: Yes.

Q: Did that interest you at all, the Kennedy era?

OTTO: No. I had nothing basically to do with it. While I was an undergraduate at Northwestern, somebody mentioned the Foreign Service as a career possibility. Then, when I got to the University of Illinois for a year of graduate study, I had a course given by a professor who wrote a book and was fairly well known in the field of foreign policy

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analysis, especially on the organizational side. As a result of that, I took the Foreign Service Exam. I didn't pass the first two times, I think.

Q: This is basically par for the course. You just keep swinging away at it, and...

OTTO: And the third time I passed it. By that time I had been teaching for about a year. I had pretty much decided that I didn't want to stay in teaching, at that point. I was not married and didn't have anything particularly to hold me where I was. It was a combination of things, as I said. I thought it would be interesting to travel and in terms of the work. It would be interesting to see what kinds of things actually happen, as compared to what you read about.

Q: You came in in 1962. Did you get much of a feel about consular work, particularly visa work, when you came in? Had you ever thought of it?

OTTO: At that time the Foreign Service Exam, as best as I can recall, gave you an option to take either an economic or political subject and do an essay on it. Knowing that that would have some kind of impact on what happened, once I came in, I wrote on an economic subject. There were personnel cones at that point. After I came in and after going through the A-100 Course [at the Foreign Service Institute], I was assigned, somewhat unusually—there were about four or five of us from our A-100 class—to the Department. I was put into the Economic Bureau. I did almost two years in the bureau and then I was sent to Berlin, my first overseas assignment, as a consular officer.

Q: You were in Berlin from 1965 to 1967. What was the situation there in those days? The Berlin Wall was only up three or four years.

OTTO: That's right. It had been up a relatively short time. In terms of consular work I handled all of the consular duties in Berlin, including all of the East German visa cases.

Q: How did these work? You had a wall dividing the city. People couldn't get across.

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OTTO: Oh, no, people could get across, if you had permission to do so. There was no difficulty in getting into West Berlin for the people whom the East German authorities wanted to allow to travel. They would cross over and come in. We would interview them and get decisions made. It was a fairly complicated process at that time, in terms of security.

Q: If the East Germans, the communist government—I mean, we had a fairly strong anti-communist policy. We had a law which also affected non-immigrant cases. If somebody had the mark of approval of the East German government, how would you handle it?

OTTO: Well, my best recollection is that most of the East Germans who came out were official travelers. They were official in the sense that they were going to conferences, mostly in the scientific field. I wouldn't say exclusively—I think there were some people in the cultural field, though I cannot, offhand, remember too much about the cultural travelers. At that time the Ford Foundation had a fairly active program in Berlin, which brought in people from various places, including the Eastern European countries. Some of those folks would also come in for their visas to go to the United States for a year to do a combination of study and acculturation at various universities. But in a general sense they were people within the academic community.

Q: Were you getting any immigrant applications from East Germany—from people coming through?

OTTO: I don't remember any East Germans coming in for immigrant visas.

Q: How about our immigration process in Berlin? Obviously, in those days, we certainly were encouraging the Germans to stay in Berlin. It was a keystone of our foreign policy that Berlin would not be turned into a ghost town.

OTTO: I don't think that in terms of immigration there was any particular policy which said that we tried to encourage or discourage people to immigrate. I think that we did have a

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policy which said that we would like the Berliners to stay in Berlin and not migrate to West Germany. As you know and as you are aware, the law specifies who can come and on what bases. People who could qualify and wanted to leave, left.

Q: Did you have much immigration from...

OTTO: We certainly had immigration, but my recollection is that it was more from spouses of military people than anything else.

Q: We had a fairly substantial garrison there.

OTTO: I remember that it was in the order of 20,000 to 40,000 troops.

Q: Aside from visas, were there any major incidents that you got involved in? How were tensions between the Soviet authorities and East German authorities and all that?

OTTO: Well, you didn't deal with the East German authorities at all. When I first arrived in Berlin, you could travel in East Berlin as a diplomat, but you had to go through a procedure that was prescribed for you. When I initially arrived there, you could only go into East Berlin on the S-Bahn subway system. There was a particular stop. At that time, you could get on a subway that ran from West Berlin to East Berlin to West Berlin. The thing was that normally, if you were a West Berliner, if you got off in East Berlin, you took some risks. But if you were just going from one part of West Berlin to another part of West Berlin, it didn't make any difference. I don't know to what extent they pulled people off — that is, the East Germans pulled people off. But I don't think that happened very much. If you wanted to go into East Berlin, you got off at a particular station — I've forgotten the name of it — and you went through a procedure of showing your diplomatic passport, but you did not relinquish control of it. There was a certain amount of gamesmanship at the time between the guards who reviewed these things and people who were going through. Presumably, the diplomatic fiction was that you did not recognize the East Germans' authority, so you never gave them possession of your passport. At the same time, there was a practical

Library of Congress

reality that they wanted to know who was coming over. I remember — it was some time after a year — they opened up “Check Point Charlie” to vehicle traffic. Then, indeed, you could go through, but it was the same sort of thing. Your car had specific plates on it. You would show the passport through the window of the car, without actually opening the window and without turning the passport over to the East German guards. Then they would wave you through.

Q: You left Berlin and you went to quite a different locale. You were in Aden from 1967 to 1968.

OTTO: Right.

Q: This must have been rather difficult, because this was right in the aftermath, or were you in the middle of the 1967 War?

OTTO: We arrived there in March, 1967. The Egyptians were still very much supporting the Republican Government in what was then called the Republic of Yemen, the old Kingdom of Yemen. The Saudis were supporting the former Royal Government. There was an active civil war going on. With the Arab-Israel War in June, 1967, the Egyptians decided that they couldn't afford to put people, materiel, and money into an effort in southern Yemen when their own borders were suspect. And their own ability to defend their borders was suspect, so they pulled out. Then another, rival nationalist movement actually began to do battle with the nationalist movement that had been supported by the Egyptians. In effect, they negotiated independence with Great Britain by November, 1967.

Q: By this time, after the 1967 War, the Suez Canal was shut—is that right?

OTTO: That's right.

Q: And it stayed shut until the 1970's?

Library of Congress

OTTO: I left in September, 1968, and it hadn't opened by then.

Q: What was your job in Aden?

OTTO: I was assigned initially as an economic officer. I think that the staffing consisted of the consul general, political officer, economic officer, consular officer, and a couple of clerical people. Once it became independent later in the year, we went to Embassy status shortly thereafter. Then we got the full complement, including Marine Guards, etc. I ended up doing a variety of things, as one does at a small post. Beside the economic work, I also did consular work for a while, too.

Q: With the Israelis, after some initial concern, really beating the hell out of the Arabs, a lot of Arab nations severed diplomatic relations with us, including Egypt and Syria. What was the effect of that war on our establishment there?

OTTO: Well, at that time it was still a Consulate General, and it was still a colony of England. Aden was the colony. The hinterland, which later became the Republic of Southern Yemen, was a protectorate under the British system. The British supported an indigenous government that was based on a royal family, within the protectorate of Southern Yemen. There was a series of tribes, but there was no overriding sort of royal family for the country, per se, as they had in Saudi Arabia. The British were hoping that the protectorate government would become the government for the whole place, but that was not to be. There was first the Egyptian-supported, nationalist organization, which, again, was primarily in the Republic of Southern Yemen, and which was operating, to a certain extent, along the borders. Then, subsequently, you had another—I can't remember their names. The one the British were opposing initially was called the Front for the Liberation of Southern Yemen, FLOSY being the acronym. The organization which then went out and took power was one which was tied in with the Baath Movement in Iraq and Syria, which supported them. It was kind of a strange thing that you had in the Middle East. It was a government which purported, on a political level, to be very much

Library of Congress

socialist, almost to the point of being authoritarian socialism. Very friendly, initially, with the communist countries. There was a certain amount of competition between Russians and Chinese at that time to see who was going to be more influential. The Russians won out because, basically, they had more to give. At the same time this government had a very conservative, religious basis. During the British time Aden was considered one of their standard colonies. Education was — English was the language of the government. English was the language of the educated elite. Women were basically treated — I wouldn't say exactly the same as men, but after the nationalist government took over, the veils came back, and it was a much different social situation. So it was an interesting time, seeing the British withdrawal.

Q: What about the visa side? I had a touch of this in the late 1950's, when I was in Dhahran, where I found that there were a lot of Yemenis working in the oilfields, and many of them were emigrating to factory cities, like Lackawanna, New York, Youngstown, Ohio, and all that. Did you find that you were dealing with this diaspora of Yemenis at all?

OTTO: To a certain extent. There was emigration. We did issue immigrant visas in Southern Yemen. Prior to the outbreak of the June [1967] War, our representation in the Republic of Yemen existed. I don't remember whether we actually recognized the Republican Government, which had basically overthrown the Royal Government. Prior to the June War — I think it was about April, [1967], or maybe May — but between the time I arrived in March, [1967], and the June War the Egyptians had staged an incident at an AID [Agency for International Development] compound, which purported, I believe, to say that we were feeding arms to the Royalist Government. They took a couple of the AID people and held them for a period of time. They finally let them go after negotiations, but the result was that there was a break in relations between the Government of the Republic of Yemen and the United States. The result was that people who had been assigned to Sanaa — at that time they had two sort of separate capitals, Sanaa, and I can't remember the name of the other...

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Q: *Taiz, I know..*

OTTO: Not Taiz. Taiz was under Saudi Arabia. I can't remember what it was. Anyway, it was in the southern part of the country. All those people were pulled out, and a certain number of them relocated in Aden. Then, of course, we picked up all of the consular work for really all of Yemen. The migration was really related to the Yemeni communities which had always existed in the United States — not terribly large. So the number of immigrant visas was not very high. People there had no particular reason to travel, no particular, economic resources to travel, and I can hardly remember any non-immigrant visa work at all.

Q: *So you left there, and from 1968 to 1971 were a Refugee Migration Officer in the State Department. What did that consist of?*

OTTO: It was in that time that the Department started to head toward a cone system. So after having had a tour in the Economic Bureau, followed by a consular tour doing visa work in Berlin, followed by an economic job in Yemen, I was tentatively assigned to the Administrative Clone and given a budget and fiscal job in Refugee and Migration Affairs. It made absolutely no sense. I don't know how that came about. I actually was put into a situation where I was supposed to do work I didn't understand and didn't know anything about. At that time that office was — the head of that office was under the umbrella of a special assistant to the Secretary of State.

The Refugee and Migration Office had existed for some time, with its emphasis on the traditional migration from Europe to the United States after the end of World War II. Their budget was separate from the Department's budget. It actually was part of the AID budget, but a separate part. So you had to do all kinds of things in terms of preparing budgets. So you learned. It was a trying time. There was a certain amount of things going on. I arrived there in September, 1968. The events in Czechoslovakia, the Russian crackdown on Prague, occurred in the late spring or early summer of 1968. The office was trying to cope

Library of Congress

with the Czech refugees you had at that point, in particular, but also starting to realize that there might be other refugees in other places whom they would have to look to. Of course, there was the whole refugee program out of Southeast Asia, as it later turned out to be. I left there before any of this really got started.

Q: What was your impression when the Czech exodus came? Were we scrambling around? Where did the direction come from as to how to deal with this on the visa side?

OTTO: On the visa side, I don't know what they did. I doubt if I can remember what the law stated about these people. I think they came in as refugees, under the old refugee category of conditional admission or entry.

Q: I think it is called conditional entry, or something like that.

OTTO: The Czechs were basically coming out of the various camps in surrounding countries — probably mostly out of Austria. Later, after that, when I went to Yugoslavia, we had to handle — well, we talked frequently with the Immigration Service officer in Vienna. He would ask us, from time to time, about Yugoslavs, who were trying to qualify as refugees. Because at that time you could only be a refugee if you were trying to flee a communist country. You had to get yourself to a country of first refuge before you would be even considered for a refugee program. But at the time that I was there, they were basically dealing with refugees who had left prior to the shutdowns of the borders and the resultant Soviet occupation. I don't remember anything particularly unique about it, or the visa or immigration side of it. There were certain numbers that they could bring in...

Q: Just to get a little feel, since you were sort of dumped into this administrative side, for which you'd had no particular training, did you have a feeling that our refugee and migration area was very much separate from the visa operation of the State Department?

OTTO: Yes. There was basically no connection at all. The people who were coming in were coming in under the refugee quota. I think that it was about 50-55,000. When you

Library of Congress

came in at that time, you came in as a conditional entrant. After that, after a certain time, you could adjust status to that of a permanent resident. But those numbers were low — I think about 5,000 a year. Therefore, if there was any substantial influx of refugees, it took a while for them to work off the backlog, providing that people wanted to become permanent residents. I don't remember, really, the numbers of Czechs that came out.

Q: Did you ever hear or understand what the rationale was to have...Migration is migration, whether it involves refugees or not. Why was there a separation between the refugee side and the Visa Office?

OTTO: The only thing that I can tell you is that the refugee office, as far as I can remember, evolved out of the massive refugee program following World War II. With the periodic surges of that time — the Hungarian Revolution and the Czech thing some 15 years later — these folks came as refugees. There were not, as far as I can remember, large movements of people, except at those times. The office was really very small. I can't remember that it was doing very much in the way of refugee work, in terms of the work that is currently done within that Bureau of...

Q: Southeast Asia and all that. Well, you left that office and went to Zagreb, from 1971 to 1973, in what is now Croatia and which was at that time Yugoslavia. What were you doing there?

OTTO: I was the consular officer. I doubled. I did part of the consular work and all of the administrative work.

Q: What was the consular situation in Zagreb?

OTTO: Zagreb's consular district included the Republics of Croatia and Slovenia. [The Embassy in] Belgrade handled the rest of the country. We did about 10,000-12,000 visas. There were two of us — two officers in the Consular Section. The other officer did the visa work, and I did the American Citizen Services work. We covered for each other, of course.

Library of Congress

I also did the alien work. In terms of migration, I don't remember how many visas we would have been issuing — probably around 500 to 1,000 per year. They went mostly to those areas in the United States which had Croatian communities. The main difficulty at that time was just the normal kinds of things that occurred, because, in comparison to other Eastern European countries at the time, the Yugoslav Government did not restrict the issuance of passports for the purposes of travel. So if people could qualify for immigrant visas, they were able to get the passports necessary to leave, as well as...In fact, you could travel as a non-immigrant. There were no particular problems. We had our own — they were still considered to be communists, and we had to go through our own procedures. Very often you had to get waivers because just about everybody was a member of some proscribed organization.

Q: Did you have the non-immigrant problem? I'm speaking now as someone who ran the Consular Section in Belgrade from 1962 to 1967. We had places — for example, little pockets, particularly in Macedonia, I think. There's a little town called, I think, Lyubojno. A very poor area where, it seems, everybody wants to get out. These Macedonian maidens would arrive on our doorstep at the Embassy, asking for visas to go visit an uncle, usually in Gary, Indiana, or some place like that. The odds were, very heavily, that once they would arrive as non-immigrants, they would immediately get married. Did you find that yourself — was that a problem there, or was it more a local problem?

OTTO: I don't think so. I cannot, offhand, remember any particular towns, either in Croatia or Slovenia, where we were pretty sure that there was a [visa] pipeline. Also, I don't remember what our refusal rate was, but certainly we refused [visas], too. The Slovenians and Croatians, in comparative terms, were reasonably prosperous at the time. There was no particular economic reason why people would want to migrate, at least in any kind of numbers. If you were in the northern part of the country, and you had the desire to go to the United States or emigrate to work, you likely could get refugee status.

Q: Go up to Austria and...

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OTTO: I know that I can remember at least another instance. We talked about the irony of a refugee program that allows a person to go to Austria, apply for refugee status, and then return to Yugoslavia while his refugee case is being processed. [Laughter] That doesn't seem to be the way that the Refugee Program was designed to operate. I don't remember any kind of real pipelines. As I said, I think that as a regular matter, due to visa work, maybe if I was doing it more often, some things would come back to me. I know that we didn't think that we had much in the way of fraud. I don't remember whether we had any kind of terrible feedback from the Immigration Service about people picked up violating their status.

Q: Let's talk about that now for the record, because the problems you were mentioning as not having, we had fairly heavily, only five years before, in Belgrade. But that represented mainly people coming from a very poor area with a pipeline, and that was Macedonia. Well, then you went to Warsaw from 1973 to 1975. Were you dealing with visas then?

OTTO: Yes. Is it appropriate to comment on the personnel system some time?

Q: Absolutely. Absolutely.

OTTO: Because I found it to be kind of interesting. Probably with about a year to go on my tour in Zagreb, the Deputy Assistant Secretary for Eastern Europe in EUR [Bureau of European Affairs] made a trip through the Eastern European countries — at least, he came through Yugoslavia. The Consul General, my boss, went down to talk with him. He didn't come to Zagreb. He went to Belgrade, so my boss went there. My boss in Zagreb — and this is kind of humorous — was the Personnel Officer who assigned me to Aden. When I got to Zagreb, he said, “Oh, yes, I remember you. You're the one whom I assigned to Aden. Four people had refused to go before you accepted.” [Laughter] I didn't realize that you could refuse to go at that time. So any way, he knew some things about personalities. My boss in Zagreb returned from Belgrade and said that he and the Deputy Assistant Secretary had talked about my next assignment. He said, “How would

Library of Congress

you like to go as chief of the Consular Section in Warsaw? You'd leave here, there would be Polish language training, and then, off to Warsaw." I said, after thinking about it, "Fine, that sounds great." About six months before I was supposed to leave, which would put it at the beginning of 1975, I was contacted by the consular person in Personnel, who said, "We have a problem. The position of chief of the Consular Section [in Warsaw] used to be language designated, but it has been re-designated. Therefore, you don't have anything to go to when you leave Zagreb, because the gap of a year would have been filled by language training."

And then some things ensued. I sort of didn't want to go where they wanted to send me. They wanted to send me back to the Middle East. I was married at the time and I probably would have had to go alone, because my wife didn't want to have any of that, so there was a period of a couple of months where we were going back and forth. Finally, they said, "Something has happened. There's an officer who's been pulled out of Warsaw because of security reasons. He was consorting with a Polish Foreign Service National. He was doing immigrant visa work. If you're still willing to go and do immigrant visa work for a year, I think we can arrange an assignment for you." So I said, "Sure." They said, "Well, if everything works out, after that year you might get to be chief of the Consular Section, because the person who is there is due to leave." That would have been at the end of the year when I would have been in language training.

Subsequent to that some time — I can't remember how quickly it was — I found out that the Department had been under some pressure because of the number of people who had been assigned to language designated positions and couldn't speak the language. They had been granting waivers liberally. The result was that, instead of training people, they reduced the number of language designated positions [Laughter], to improve the percentage of...

Q: Although you still needed the language, of course.

Library of Congress

OTTO: So I went on to Warsaw on a direct transfer and I did immigrant visas for a year. Then, after that, I did accede to the position of chief of the Consular Section.

Q: Could you talk a bit about Polish migration, as you saw it, and any problems...

OTTO: Yes. Let me start first on the non-immigrant visa side, because probably that is initially the most interesting. When I went on direct transfer to Warsaw, the refusal rate at the time was pretty high, as I remember. I'm pretty sure it was over 50%. When I got back to Washington on home leave, I was living in the area and also had some time on consultation. The people in the Department in the Visa Office came down on me pretty heavy. They said, "When you go back, you've got to tell those folks that if they're going to refuse people under 214-B..."

Q: Which means that they...

OTTO: That they could not establish their bona fides as non-immigrants, that they could not overcome the presumption that there were not intending immigrants.

Q: With the result that they would go, presumably as tourists and, once in the United States they would try to stay?

OTTO: Right. They said, "The post has to give us more than just generalities, because we're coming under exceedingly heavy pressure." It was that time in the Foreign Service when I had a fairly extensive home leave. I was renovating a house and I was in and out of the Department some time in, I guess, all of June, all of July and August and in mid-September I left. I was in Washington from mid- September to mid-December. During that time seven Congressmen wrote to the Secretary of State and accused the Department — well, accused the Embassy in Warsaw, and the Consular Section in particular, of being prejudiced against Poles, because of the numbers of people who were being refused non-immigrant visas and rights to visit their relatives in the United States. So before I left, I

Library of Congress

stopped by, and they hit upon me again, making sure that I knew that this was serious business, etc.

When I got back to Warsaw, I talked to the fellow who was the chief of the visa section and said, "You're probably already aware that this has happened and that several Congressmen from several districts that had large Polish- American constituents asked to meet with the Secretary. I think they probably wanted to meet with the Secretary but they probably wound up meeting with Deputy Under Secretary for Management Eagleburger at the time. I think that Eagleburger was in the Department then. I know that he was the Under Secretary for Management in 1975, when I came back from Poland. This was 1973, the Republicans had come in, and I think that he was already in the Department at a very senior level, but I don't know whether he was Deputy Under Secretary for Management or what. The chief of the visa section talked with post management, and they decided to pursue a somewhat less restrictive, non-immigrant visa policy. The result was that the refusal rate dropped. I think that by the time that the refusal rate got down to somewhere between 20 and 30%, the pressure was off.

Then it was quite clear, from the feedback that we were getting from the Immigration Service that the people who were going, were largely going to work. And they were going to friends and relatives who were already established in various communities — Chicago, in particular, because of the large Polish-American community there. We at least felt that there was a certain kind of pattern that developed. Within Poland at the time, if you had hard currency, they had hard currency stores, where you could go and buy things that you couldn't get if you had to pay in the national currency. If you wanted to buy a car with Polish currency, you might have to wait for five, six, or eight years. If you had hard currency, you could buy a car immediately. If you wanted to buy a tractor, it was the same kind of thing. Therefore, anybody who wanted to set himself up in a small business or build a house, or something like that — you know, there's a great deal of agricultural work going on and a lot of people lived on the land. If they wanted to be able to get some capital, the way to do it was to go to the United States, stay approximately anywhere from six to

Library of Congress

eight months to a year, a year and a half, two years, while building yourself a nest egg of \$5-6-7,000, over that period of time. Salaries were much different then. \$5-6,000 was pretty good. It would maybe take a year or two to do that, and then return to Poland. Now, of course there was a certain number of people who did adjust status, got married, and stayed on, but there were a lot who came back.

Q: But working there was just...

OTTO: It was illegal. They were violating their status. What we found, at least during the latter part of my time there — what we found to be effective in trying to blunt the criticism in a number of cases was that we started to offer the option of a departure bond. Department policy in regard to those bonds has always been that “We don't like them. If you have to use them, you're probably not doing your job right. You probably should refuse people, rather than give them the opportunity of having a person in the United States sponsor them. At least as far as the persons we are talking about, on the non-immigrant side were concerned — they could not afford to go to the United States based on their own. Therefore, virtually all of this category of people were dependent upon letters of invitation from friends or relatives, with whom they would stay. Very often the relative or friend would pay for their air travel.

So it was not as if we were saying to bona fide people coming in and saying, “I've got a bank account, I've got money, I want to go to Disneyland.” I don't think that Disneyland existed at the time, you know. But it was not that kind of a situation. What we found was that in the cases which we really thought were bad, we were in that gray area where we didn't have anything to go on, other than that they had a job they have been in but they can leave and get vacations of two or three or four months, or they're coming out of an agricultural community where vacation is not an issue. It's just a question of what are the growing seasons.

Library of Congress

What we used to say was, "OK, we'll give you a visa if your relative will put up a maintenance of status and departure bond." Generally, we wouldn't go to a bond until we had some kind of Congressional correspondence. That was not absolutely uniform, but then, in a general sense, we'd get the Congressional correspondence, and we'd say, "OK, this is not a particularly good case. We'll go to a maintenance of status and departure bond." And what we found was that, not in every case but the overwhelming majority of cases, it stopped right there. They were looking at and trying to do some analysis and, depending on the feedback that we were getting from the INS [Immigration and Naturalization Service], there was a specific arrangement at the time that the INS office in Chicago would give us much more detailed, specific information about people that they had picked up, working in the Polish community, at least. We were pretty sure that if you were going to go to the United States and work with a relative, the relative then had to figure out whether it was worth it. He had to put up a \$2,000 maintenance of status and departure bond. We were asking for \$2-3,000, as a regular matter. We were pretty sure that they had to look at this and say, "Well, what are the possibilities of me forfeiting this bond if this guy is picked up, working illegally? What is that going to cost me?" We figured that, probably, the person would have to be able to work at least six or nine months in order to be able to earn enough money to cover the departure bond. Now, if you could stay a little longer than that, there was no problem. But I think that people in the [Polish] community were somewhat, perhaps, not quite truthful with us as to what all of their relatives were going to do when they got there. These members of the Polish community found that they didn't want to take the risk of forfeiting a couple of thousand of dollars. This was assuming that the person got caught working illegally within the first six months. The sponsor had lost his money. Cases like that just disappeared. There were relatively few people who put up this kind of bond. In any case the INS doesn't like to collect the money and then give the money back. I don't know to what extent this situation is continuing today. You know, the people who came after me continued asking for departure bonds in dubious cases.

Library of Congress

Q: I know that the Visa Office, as a rule, hates it.

OTTO: Speaking of the Visa Office, well, they hate it if it appears that people are taking off on it and actually [laughter] utilizing it. In effect, if the people took us up and then wanted to get their money back, the Visa Office would probably have heard from the Immigration Service. But so few people took it up that we just went ahead and did it. We had no adverse reactions, and it satisfied the Congressmen. As the Congressmen say, "If you're on the up and up in coming here to do what you say they're supposed to do, you're at no risk. Because you'll get your money back when they leave."

But we also found that if you kept the refusal rate in the 20 to 30% range, you might have complaints and problems, but you never were accused of being anti-Polish.

Q: You're talking about a balancing act which is true in any country which has at any period been considerably poorer than the United States, where people want to come in, and they want to use the non-immigrant route. The political pressure builds up from constituents, and the visa officers have to be aware of this political pressure.

OTTO: True, but in my experience, at least, the Polish community, say, was better organized than the Yugoslav community in bringing pressure to bear.

Q: The Yugoslavs are not as well organized.

OTTO: And, therefore, because of the large Polish community in the United States, as well as the time they have been there and the effective political organization they have, they could bring pressure to bear. You know, in the immigrant and non-immigrant visa processes, that decision as to who goes, and who doesn't go, is based upon experience. It's based upon a certain amount of evidence, empirical evidence, but it's also — an awful lot — based upon judgment, in terms of "Does everything that the person tells you seem to fit together and make this a plausible trip?" Especially when you're getting feedback from the Immigration Service that large numbers of people, especially, again, in the younger

Library of Congress

working ages, were going there to work. Now, I said they were going there to work and largely came back because at that time the Polish Government would not give passports to entire families to go and visit. So you'd have circumstances where the husband would go, then be back — you know they'd come back — and now the wife would go and then would come back. So it was not that they were intending to immigrate. They were intending to work.

Q: But you're showing part of this equation — these interviews are designed in part for students of government of later years to understand. In other words, you have the law. You also have what is not in the law but very much there, and that is, regarding immigration and non-immigrant matters, the pressure of Congress and other groups devolves upon, often a young officer, to balance off his or her decisions, compared to the political realities. Holding to the law as much as possible but also trying to figure out how to live under that without having the full weight of Congressional disapproval come down on his or her head.

OTTO: Yes, I think that's a result of the way in which the immigration law is written. I think that if you get into that, it's a question of what kind of leadership you are getting in your Consular Section as to how you do your visas, especially non-immigrant visas. Immigrant visas — very often there are no judgmental decisions involved. The paper is there, and the paper looks to be valid. The person is qualified, and he or she gets to go. You may not like them. You may not have any particular feeling toward them, but there is no basis for refusing. On the non-immigrant side, you have to look at the question of, "Is this person, has this person got the right kind of ties to a community to make him return. And you know, Embassy leadership may say, "We have to be harder." Or the leadership may say, "We want to be fair, but we don't want to be ruthless." And then you have to try and work with it, because, obviously, it is a very difficult situation.

A person comes in as a young officer and usually goes out onto the visa line. They're there, and they're trying to make decisions according to what they understand the law to

Library of Congress

be. Initially, at least, they will not have any particular experience with the nationals of the country who come to them for visas. It takes some time to become somewhat experienced in how things work in that country, to be experienced in doing visa work, and to get a feel for who is telling you the truth and who is not. In reality, what it comes down to is, "Do I believe what this person is telling me, or not?" And, as I say, if it all seems to hang together, and you believe what the person says, you give him a visa. A person comes in who is in a similar position in terms of age group, occupation, length of stay in the United States, the person they're going to visit, and family circumstances in their home country. If for some reason it doesn't hang together, you will refuse that person. You will say, "You have not overcome the presumption that you're an intending immigrant." And I don't think there's any other way that you can do that.

Q: In Warsaw you had this situation. When you also had a significant bloc of members of Congress really bearing down on the so-called "anti- Polishness" of visa officers, how did the top command of the Embassy react? Who was the ambassador at the time? How was he and the deputies, the top command, responding to this, from your viewpoint?

OTTO: The ambassador and the DCM did not come down to the Consular Section at all. However, I think that when the seven Congressmen wrote to the Secretary of State, claiming that the Consular Section was discriminating against Poles, the people involved decided that the refusal rate would have to come down. It sounds like a managed refusal rate, but once it got to 20 to 30%, the basic...There were still people who would write their Congressman, but for some reason it was not a political problem.

Q: [Laughter] It was manageable.

OTTO: Yes. I mean, in my opinion, the Congress did not write a good act [immigration law], as far as how you do non-immigrant visas. If you're going to make that a judgmental call, then you have to live with the decisions that the people make. If you realize that there's a current move to make non-immigrant decisions subject to review, I don't think

Library of Congress

that the system can take that. In effect, then, you would have to issue non-immigrant visas to whoever applies for them.

Q: I think there's a sort of split. On the one hand we want to have a somewhat selective, somewhat restrictive law for people. Either you come in as an immigrant or you come in as a non-immigrant. If you come in as a non-immigrant, you don't work. Yet, at the same time, in any particular case, most people in the United States say, "Yes, we want to keep people from working, but certainly, Stefan's doing a fine job here. Don't pick on him or don't pick on Juan." In other words, everybody's for enforcement, except not in the case of their particular friendly, helpful, non-immigrant alien. And Congress really doesn't want to be forced into the position of backing the law they have.

OTTO: In reality, I think, you have to say that the law says that if you're an intending immigrant, you can't come. However, the law doesn't really give you any guidance on what an intending immigrant is. Therefore, it's subject to interpretation. I think that, in a general sense, we don't do a bad job. I'm not at all convinced that every person who gets a visa is really a non-immigrant. At the same time I'm not convinced that everyone we refuse is really an intending immigrant. The basic truth is the subjective nature of that decision making process. You can only base it on experience and judgment. And I think that the thing is that when you have extremes, then you have problems. If you give everybody a visa, you're going to have a problem, especially if it's in areas where you suspect they're coming to work, and you get feedback from the Immigration Service...And if you make the refusal rate so high that it becomes really prohibitive and restrictive, then you have too many cases refused which are really good cases. And the people who are back here in the United States, who want their friends and relatives to come and are doing this on the up and up, become very irate. And if they are vocal, as they have tended to be within the Polish community, that irateness comes through. If it comes through too often, too loud, then it has its own political impact. In effect, this has happened. I think that there have been a couple of cycles like that, in which has been involved, where the refusal rate has gone up and down. But it's also partially related to the political developments within

Library of Congress

that country. On the immigrant visa side there was also a very interesting program that we were going through, because the Poles [Polish Government] would not recognize emigration to the United States as a legitimate reason to leave the country, The people who were immigrants — and there were immigrants — could only get a passport that was valid for travel as a temporary visitor, not for permanent migration. This presented us with a complicated problem, so had what we called the “visa chameleon” program. This was a program where we went through an immigrant visa process to determine the eligibility of the person, issued them an immigrant visa, told them to stick it in their luggage until they got out of the country, gave them a non-immigrant visa in their passport so that they could leave Poland. Because if they went to the airport and said, “My basis for going to the United States is my immigrant visa,” they would be refused departure. And that was something — I don't know when that went by the boards, but it was something...

Q: The Polish authorities obviously knew what was happening.

OTTO: Oh, yes.

Q: But it just made everybody...

OTTO: The other thing is that there had been a series of discussions with the Polish Government about passport issuance policy to the Poles. At the time we were working on what was called a “promessa.” The Polish non-immigrant visa applicant would come to us and would have a passport. But they would already have gone to the Polish authorities, gone through whatever process they needed to go through, and were issued this document which said that, in the event that you were found eligible to receive a visa, you will be issued a Polish passport. Then, of course, we interviewed them. If we decided to issue them a non-immigrant visa, we gave them a document which said that we will issue you a visa. This meant that they then went and got their passport and came back and got their visa. It was a complicated system and one which you would not normally have in other places. It wouldn't be necessary. It came out of a situation where, if you

Library of Congress

didn't have the “promessa,” you had so many people coming in to apply that, even if you had a fairly high refusal rate, there was a large number of people — at least in absolute terms — to whom, you said, you would give a visa to if they had a passport. They then went to the Polish Government, applied for a passport, and couldn't get a passport. So you ended up doing a lot of work with no end result because the Polish Government was restrictive on whom it would let go out to travel. So we went on to this system, which worked.

However, it also had some bad side effects. About a year before I got there, there was a family actually working as FSN's [Foreign Service Nationals]. The husband was the senior FSN in the General Services Section. His wife and daughter were working in the Consular Section on visas. One was in the file room, and one had other duties. I don't remember exactly what. The end result was that, because of this convoluted “promessa” system, all they had to do was to check a file and have it approved. They were selling visas, got caught, were prosecuted by the Poles, and were actually put in jail.

Q: Well, you left Warsaw in 1975 and you then went to work in the Operations Center for a couple of years. So we'll skip over that period so that we can concentrate on the visa side. You went to Mexico City, where you served from 1978 to 1981. Part of that time you were dealing with American Services, which is not concerned with visas.

OTTO: Right.

Q: But later you were deputy chief of the Consular Section. So I wonder if you could describe, from your viewpoint, the difference. You'd come from Poland, which had a difficult visa situation, to another post which is one of the largest, from the visa-issuing viewpoint. What were your principal problems in Mexico regarding visas?

OTTO: There was a problem of non-compliance — I'm not sure you can exactly call it fraud. The border between the United States and Mexico is very interesting. In practical terms, it's an open border. Because of the fact that people still, apparently, like to have

Library of Congress

some documentation when they cross borders, they came to us for visas. We refused many visas, but I don't think that the [refusal] rate was anywhere near what it was in Poland. My recollection is that it [the refusal rate] was more like 10-15%. We had better clientele in Mexico City than some of our Consulates have in Mexico. Look, Mexico at that time was in the middle of the oil boom. There were many Mexicans who had lots of money. A Mexican middle class already existed at that time. When those folks came in — there were a lot of them — there was no reason not to give them visas. They'd go for a weekend to shop in Houston or Dallas or San Antonio — places like that.

The main problem was that, because of the perceived non-compliance or fraud problem, if you want to call it that — there was a lot of document fraud — it was determined that most Mexicans had to have personal interviews. There were three ways you got your non-immigrant visa. You came in person to the Embassy and you waited in line. You went to a consular officer and you had an interview, perhaps longer, perhaps shorter. I can talk about the organizational method of that, if that's a good thing to talk about. Or you went through a travel agent, whereby the travel agent presented the case for you in a prescribed format. You had to have a passport, valid for a certain time. The application had to be filled out. There had to be some indication of what the tour was going to be, or the time, or whatever. Or you came in through contacts, friends, and a referral system. But, obviously, the overwhelming number of people came in for personal interviews.

The difficulty on the organizational side was how to handle those people in a way which would allow for business to go on, because during the summer months in particular, when you had lots of people who wanted to travel, you would have lines that would go around a square block. You'd get to the Embassy from a front street off Reforma [Boulevard] and you'd have to go through the non-immigrant visa waiting line, which went around the corner, down the side, and then around to the back of the Embassy, where people were actually being let into the [Consular] Section. The main problem was how do you handle people in such numbers in personal interviews and try and do a valid job in terms of implementing the law. Basically, we decided to provide training and guidance to our

Library of Congress

consular personnel. Our basic advice was, "Look at the totality of the person." Mexican passports, I should say, have the bearer's occupation noted in them. Our guidance continued, "Is that a guarantee that they are what they say? No, but it's a better indication than if you have nothing. A person might walk up to the consular section. Perhaps this person, say, is in his or her 20's, but well-dressed. The occupation listed in the passport shows that he or she is a professional person. The person brought some evidence of financial resources. Don't spend a lot of time with such a person. But, look at the hands. If this person is supposed to be an architect but has the hands of somebody who is not an architect, OK, then what you have to do is to say, 'You will need to have a more extensive interview,' and pass him [or her] on to some other folks in a different part of the operation.

But the idea was to have a very quick review by a consular officer for the purpose of making a decision within half a minute, as to whether this person was obviously a good case or whether there is something to ask questions about. There were enough good cases that we could, in effect, resolve all of them very quickly through this kind of screening process. Then, the cases that were not quite so clear, or third country nationals — Central Americans, whatever — would go on to a second interview. But a decision should be made quickly on them, also. We arranged the waiting room with long benches where the applicants would come in and sit. They would move up as they got to the head of the queue. During that time we had FSN staff who would go up and down these benches to make sure that their applications were filled out, that they had their passports, and the supporting documentation, so that when they got to the consular officer, there was no question of, "Why didn't you answer all of the questions?" And so we had a system whereby we resolved these cases quickly. We didn't do the AVLOS check first...

Q: AVLOS is the automatic visa lookout system...

OTTO: Right.

Library of Congress

Q: This is a computerized system which shows whether someone has been refused a visa or is on a wanted list, or something like that.

OTTO: We would run them through this interview process. If they made the first cut and didn't have to go through the second one, their passports would be taken to another part of the operation, and they would start through the AVLOS check. If they had to go to the second interview, they went to the second interview, and whatever happened, happened. But, in either case, the people to whom we were going to issue visas did not receive their visas immediately. We got them in, we got them out, told them to come back — I think it was about 3:00 in the afternoon. So we cut the line off — oh, I think it was about 11:30 AM, and we would make sure that we interviewed everybody who was there by the cutoff time. We publicized this. If you were in line by noon, you got to be interviewed. At 3:00 PM people would come back. We had boxes. We had a “ticking system.” So when you were due to be issued a visa, one of these little notes was stamped and stapled to the passport. The other copy was given to the applicant to keep as a kind of receipt. And when the applicant came back, he or she had a ticket to receive the passport. Then we had numbers. The rows in the waiting room were numbered, and we had boxes at the end of the rows. And the rows would be numbered so that people would know where to go. And it never took more than an hour and 45 minutes. We could handle 1,500 to 2,500 passports.

But the main problem was document fraud. There was a kind of industry in Mexico City which could provide you with letterhead paper, false bank statements, and things of that nature. And so, again, we had to deal with a variation of what we had in Poland. In other words, you looked at the person, you tried to look at the totality of what they were telling you. If they had really convincing documentation, but for some reason you doubted that their occupation was what they claimed, because of just their dress or physical characteristics, the case took more time to resolve. Some of the Mexican people are in agriculture. They have certain things that they wear. And if they came to the Embassy wearing that and claiming to have a different occupation, you had a good basis for turning

Library of Congress

them down. This system seemed to work. We had Congressional inquiries, of course, but I don't remember that we had any kind of overwhelming problem with the Mexican people or with the Mexican Government on non-immigrant policy.

Q: You mentioned fraud. Were you able to work with the Mexican Government to keep the fraud down?

OTTO: To a certain extent. One of the problems that we had in doing visa work is that, if you have enough resources and you devote enough time to fraud, you can almost always find some. To the extent that you're in a situation where you don't have enough resources to handle the workload, then you become more production-oriented. And the level of your anti-fraud effort goes down. Because you just don't have the resources. We tried, at times, to close down a series of independent entrepreneurs who did things like typing up visa applications for people for a fee. Our concern was not only that they were typing up the visa form but also fabricating the documentation. There was just that kind of thing. And we did have one instance where we tried to put together a case. And, indeed, the Mexican Government closed down a whole number of these people for a couple of months. But the other thing about Mexico, just in a general sense, is that it is a country where corruption is a way of life. You have traffic policemen who get their positions, based on the amount of money that they can bring in in traffic violations, and it may go all the way up to the top. They also have bribery. You should not use those terms loosely. But when money or connections have a great deal of influence, then, of course, you have a situation where it's awfully hard to keep out certain types of things — which are not necessarily crimes in Mexico...If you come in and try to present documentation which is fraudulent in an effort to get a United States visa, have you violated a Mexican law? My recollection is that, the answer is no, I don't think you have. And therefore, while what they're doing is something that they don't like, it's a little bit hard to keep up our vigilance. I don't know what the current situation is — whether it's changed or not.

Library of Congress

Q: What about the junior officers? It must be hard to make a 30-second decision on people and all this, over a period of time. How did you sort of keep them up to snuff and train them?

OTTO: We had a rotational program within the Consular Section. Our goal was that no one would ever spend more than about six months on the non-immigrant visa line. We had specific training for people so that they would be aware of these techniques that we thought were valid: passport, a review of the documentation, occupation, and financial situation. Also, we tried to show that this was something that was of interest to us all. So that, as the deputy — I can't remember now how often, but maybe once a month — I would go down and spend a couple of hours issuing visas. You have to show a continuing interest in what is going on. It also means that, sometimes, you have to back your people. There might be cases where you think, "Gee, this case is not too bad. If I were handling it myself, I might not be quite so hard." However, you're convinced that your vice-consul is trying to do a good job. Therefore, despite the fact that the Mexicans who have influence try to come in and get you to change, you hold tight. You also try to make sure that your supervisors are also doing that sort of thing.

We had a non-immigrant visa chief. Everybody's got to participate. This is not just a line officer function. Now, obviously, this was not a constant thing for supervisory staff, but there was not the attitude, "We don't care what you do — just get the work done." Not that kind of attitude. We wanted to do the work as fairly and as well as we could. In addition to the training we tried to counsel people, too. Our people should not become jaded by the fact that some visa applicants will lie to you.

Q: It's one of the hardest things to get across because we're really talking about young, successful people who passed all the exams in the Foreign Service and really have not been in what you might call "a lying mode." They've been able to get what they need

Library of Congress

without doing a lot of lying. It comes as a personal affront to them — I think it's one of the hardest things for a supervisory consular officer to get his people to understand.

OTTO: I think it is. But I don't know that there's any — I'm inclined to say that, based on my experience, it's one of those things that takes constant work. You can't say, "OK, I've done it. I've come in as a supervisor. I've done it. I don't have to worry about it any more." You just have to keep coming back. We also tried to consider how much time the work was taking, without making any formal time and motion studies on people. We did try to see what the work load of the individual line officers was. We did that — not to say, "You have to do certain numbers of visas." But if people were not doing as much as their colleagues were, or somebody was doing an awful lot more than their colleagues, that's also an indication, perhaps, that things were not going exactly as they should be. We didn't have a specific quota but we thought that, given our situation, and depending on whether you were on what we called the "prescreening" side, where you make the snap decision, as compared to other duties, we thought that if we were going to get the work done, and the work was spread fairly and equally among the number of people that we had doing the work, then you had to do — I can't remember exactly — but about 150 to 200 visas a day, within a period which ran, usually, from 8:00 AM to 1:00 PM. If you work this out mathematically, over five hours, you're doing 40 an hour. Which means that on the fast ones, you have to be fast. But I think, personally — at least within the context of Mexico — that there were some that were really easy. You had people, all kinds of professional people. There was no reason to believe that they would ever want to go to the United States to work. They were doing just fine and they had no special entree to the Embassy, so they wouldn't come in through the referral program. For whatever reason, they didn't want to go through a tourist agency — maybe they weren't going on a tour, or something of that nature. Those are the people that would have been interesting to talk to or get their views. But when you're in a production mode...

Library of Congress

Q: You can't do that. Well, you left Mexico City in 1981. From 1981 to 1982 you were at the War College. Then you were in Personnel, dealing with consular officers. You were dealing with what grades?

OTTO: My group was the FSO-1's and the FSO-2's — that is, FSO-1's and FSO-2's under the present system. I can't remember — well, the Foreign Service Act [of 1980] had been passed.

Q: Yes, under the previous system these would have been FSO-4's and FSO-3's. What was your impression, at this time? We're talking now about the early 1980's.

OTTO: 1982 to 1984.

Q: These were upper mid-career managers — consular managers. For a long time — and in my era, which predates yours by a decade or so — this was not too impressive a group. They were usually people who had worked their way up in consular affairs, taking very little interest in anything else and were more technicians rather than, you might say, broad-gauge Foreign Service Officers. I'm talking about the 1960's now. There has been a lot of effort to reform this situation. How did you find this group?

OTTO: As a group, I think, many of them came into consular work through the [Foreign Service] Staff Corps. I think that, on the average, the Staff Corps officers, by the time they got to the FSO-2 and the FSO-1 level, the “Peter Principle” had taken its effect.

Q: They'd reached their level — they'd gone beyond their level of competence?

OTTO: That's right.

Q: Because in my era almost all consular officers who had concentrated on consular work had come through the Staff Corps.

Library of Congress

OTTO: Remember, and I guess that this is the way that I view it — whether others would agree with it or not is a matter of some question — by 1982 you already had the “cone system” well established. You had the complement going to the “open assignments system,” with “bidding” for positions. In getting there, there had been an upheaval of sorts, which resulted in a large number of people who were not in the consular mode but who had done consular work, basically being given — I would not say an ultimatum, but I would say being told quite clearly — “You’re a person who has done consular work. You are now going into a cone situation. You’re a political or economic or administrative officer. You’ll probably not be promoted for a long, long time if you remain as a political or economic or administrative officer — particularly political and economic officers. Therefore, wouldn’t you like to take this opportunity ‘re-cone’ to consular?” And a number of people did that. In fact, I don’t think that I was one of them, but I might have been. I went from being — going back to another part of our conversation — an admin officer to saying, “Gee, I don’t think I want to be an admin officer.” I was told, “Well, you’ll have to get some kind of experience in another cone in order to be ‘re-coned’ from admin to something else.” So I said, “Well, how do I get into admin?” That’s another issue.

And so I left for an assignment in Yugoslavia, having talked to the person who was in Career Development at that time and said, “I think I should be in something other than admin. I think I want to be a political officer,” I think I said. I never heard anything further and found out subsequently that during my time in Zagreb that, indeed, I had been “re-coned” as a political officer, but no one told me. Then, before leaving Zagreb, based upon a series of things, I decided that I really wanted to do consular work and asked to be “re-coned” as a consular officer. I had some colleagues who were faced basically with the system coming to them and saying, “If you want to stay a political officer, you’re not going to be promoted for a long time. But if you’re a consular officer, there are opportunities.” And I think that that happened in the period, I would say, between 1975 and 1980. I don’t know exactly when. But by the time you got to 1982 or 1984, you had people who had come into the Service, had been in 10 or 12 years, who are now “coned” consular.

Library of Congress

They were regular Foreign Service Officers who had come into the service through the competitive examination system.

And my version of reality is that the best thing you could ask for in a consular situation is that the people who come into the system have the same kind of profile as a standard Foreign Service Officer. You'll get some who won't make it, but the people who do make it will have the same kind of chance in terms of being bright enough to accommodate themselves to change, to be aware, to progress, to do other things beside consular work so that they could get to the point where later, in the last third, last quarter of their career, they could compete for what turned out to be the Senior Foreign Service because they've got a very broad view of the situation. That's what I used to tell people, basically.

Q: This was my experience, too. I served in many of the same types of jobs that you had. A person who makes a good political officer makes a good consular officer. They don't turn into technocrats and live only by the regulations.

OTTO: When I was in Personnel, this was an issue of some concern. Because one of my ad hoc duties in Personnel was to work on “skill code” changes in a system that allowed this. While I cannot claim that it was necessarily my work alone, by the time I left Personnel, a change had been made so that, in effect, a person who was not a professional, consular officer but who was a professional Foreign Service Officer, had to go through an upward mobility program to get a primary consular skill code designation, rather than being able to get an “excursion tour” as a staff person. You know, the material reason for Foreign Service Staff, or secretarial, or security. Through a skill code change they could become consular officers. The validity of this system, in my opinion, was that consular officers and consular work should require the same kind of characteristics, abilities, and background that you have for a Foreign Service career. To try and have a situation where people who do not meet that general profile can do consular work at a lower level and assume that they will only stay at the lower level — is fallacious. Because there were too many people — usually at the FSO-2 level — who were very difficult to get

Library of Congress

assignments for. At that level they were already at a supervisory level but just couldn't do the work.

Q: I had your same job, and this is apparently true. Well, let's move to the Visa Office, shall we? You served as Deputy Director of the Visa Office from 1984 to 1987.

OTTO: Correct.

Q: Who was the office director?

OTTO: I arrived in August, 1984. Lou Goelz was the Deputy Assistant Secretary. He left in February, [1985], and I was Acting Director until June or July, [1985], when Vern Penner arrived. He was there for a year — not quite a year. I think he left also in about April, 1986. Then there was a gap again of about three or four months before Jerry Ogden arrived in August, 1986. He was there for my last year.

Q: What were your major duties as the Deputy Director of the Visa Office?

OTTO: Well, you do whatever the Director wants you to do. There is tremendous pressure on the person who is Deputy Assistant Secretary to become involved in meetings. And it is a legitimate use of that person's time. In that position they can get caught up in meetings. I always looked upon a Deputy Director's job as sort of the person who had to make sure that the day-to-day work within the Visa Office got done. Basically, I followed this rule. Now, it depends on who your boss is and what his interests are to determine exactly whether that works or not.

Q: Looking at the Visa Office — you'd been doing visa work in various posts. What's your impression of how it was run and its attitude, because there's always been this sort of attitude of the field versus the home office? Out in the field you almost get the feeling that the Visa Office is the enemy. When you're trying to issue visas, the Visa Office is saying,

Library of Congress

"No, you're refusing too many, and why did you do this or that?" You came there as a well experienced visa officer. What was your impression?

OTTO: I came in with, really, no particular predisposition one way or the other. As you know from my career in the Foreign Service, although I did consular work in several capacities overseas, I was in the Department, first, as an economic officer in the Economic Bureau. The second time I came back to the Department, I was in the refugee area. The third time I came back to the Department, I was a Watch Officer. I did not serve in the Bureau of Consular Affairs during my first three tours in the Department. Then when I came back again, I was first in Personnel. So I had no experience in the Bureau of Consular Affairs as such.

The Visa Office seemed to me to be a good organization. I think that Lou Goelz was an excellent Deputy Assistant Secretary. I think that morale, in general terms, was good. I think that the physical separation, on the whole, was bad. However, as a practical matter, which...

Q: The Visa Office was in a different building?

OTTO: It has not been in the main State Department building for as long as I can remember. The Deputy Assistant Secretary, from time to time, has had an office in the main State Department building, but the Visa Office, as a whole, has been physically separated. So, with the number of meetings which have the Deputy Assistant Secretary going back and forth, the Deputy Director was usually in the Visa Office, and that's one of the rationales for having two Senior Foreign Service positions within the same organization. I think that, in general terms, the Visa Office was doing well. We had been very concerned about personnel, so that there were very good people, both on the Foreign Service and the Civil Service side. It seemed to me that one of the things that the Deputy had to worry about was making sure that you get good people to come in. There is a certain relationship between people and jobs in the Foreign Service, in my opinion. If you

Library of Congress

have people who get promoted, those jobs, then, are looked upon as being good jobs. If they are looked upon as good jobs, then you can get good people.

Now the obvious thing is that you've got to get good people in, because you don't promote people just because you want to make their jobs look attractive. But I think that Lou [Goelz] had worked on that. Certainly, as Deputy, I tried to be involved in the personnel process, to make sure that we got good people. And when we did get good people — as Deputy Director, you write the Efficiency Report for the office director for post liaison, or whatever that is called. You write it for the person who is head of the Inquiries and the Public Relations side. And then you have a civil servant — well, both of those positions were Foreign Service. And then you have the legal office, VO/L, which is a civil service position. But at least you can get a chance to say to these people, you've done a good job. As a result, both of the people who were in the Operations Liaison side were promoted.

Q: Each person dealing with visas in mega-terms, as you were dealing with them — the visa workload continues to increase all the time...

OTTO: Well, interestingly enough, that was not true. The non-immigrant visa workload, on a worldwide basis, peaked in about 1980-1981. The immigrant visa workload is always incrementally increasing, depending upon the changes in the law and the increase in the number of immediate relatives. That's been constant.

On the non-immigrant side, if you look at the statistics, you find that — I don't know if it was 1980 or 1981 that was the peak year. Then, because of worldwide recession, and recession in the United States, visa work went down. It went down and then it started back up, but it did not reach the 1980-1981 level until 1986- 1987. So you had a period of time there where, in effect, you had an abundance of riches in terms of personnel, because the personnel system, with one exception, hadn't quite caught up with this situation. And then you had the start of surges in the work. The work began to increase again in 1984-1985, and finally in 1986-1987 we got to where we were in 1980-1981. In terms of

Library of Congress

how you dealt with non-immigrant work in the Visa Office, this basically produces security and advisory opinions. It produces requests for advisory opinions in general. It presents certain, operational concerns because the workload will jump in one place or another. But I don't think, right off the top of my head, that non-immigrant visa work, during that period, was a particular problem.

Q: You had the Reagan Administration in office, a Republican, conservative administration, and communism was still a major force around the world. Did you find that this was at all reflected in the way that we looked at travel from Eastern European and other countries? Were you finding problems on the security side?

OTTO: In that period, 1984-1986, the Congress had already started to look at this question of whether you can keep people out because you don't like the way that they think, the views which they hold, and the things which they say and write. The Garcia Marquez type of thing.

Q: Garcia Marquez was a Nobel Prize winner, a Latin American writer from Colombia, I think, who had been refused a visa to go to the U. S. He was extremely popular. His books were on the campuses in those days.

OTTO: Oh, certainly, they are still. The question was whether, for foreign policy reasons, you could say to these people, "No, you can't visit the U. S." I think, in terms of policy — we're not talking of large numbers of cases — but in terms of policy this was probably the most troublesome problem. Because the kinds of things that would come up would always be related to who was traveling and why are you saying, "No"? And what kind of restrictions are you trying to put on? And how do you deal with them when they're very high profile cases? Indeed, you deal with them in different ways. The Congress at that point — largely Congressman Barney Frank...

Q: From Massachusetts from the liberal side of...

Library of Congress

OTTO: And Senator Moynihan on the Senate side were people who were very much concerned with a Republican administration's refusing to let people in who were coming to talk about [one word indistinct]. I remember that there was also a UN conference on disarmament. I think that it actually preceded my time in the Visa Office, but it had enough of an impact so that the after-effects could still be felt. People coming to the UN to talk about disarmament were being refused visas for policy reasons, even though there are certain allowances usually made for people coming to the United Nations. I think that some of these people were eventually given visas and spoke in ways which were not looked upon favorably by the current administration. On the administration side there was a tendency to say, "You shouldn't have let them in in the first place, and in the future, don't let these kinds of people in." I think that a change was taking place — it was also going on in certain parts of the communist empire. This had its impact in terms of, "Let's not keep people out because of what they say and think. We have a society here which is strong enough to hear what they say and think and won't be influenced by what is obviously a losing political philosophy."

By the time I left, the controversy reached the point where there were discussions with the Congressional Committees about actually changing the law and the way in which the law was being interpreted. So it became much harder to refuse anyone for foreign policy reasons.

Q: While you were in the Visa Office did you feel any pressure, say, from the White House or from the Justice Department about being tougher, asking why you'd let such and such a person into the U. S.? You might say from the political types in the White House.

OTTO: The system within the Department had gotten to the point where, if anybody was going to be refused a visa for foreign policy reasons, the decision went either to the Deputy Secretary of State or the Secretary of State. I mean, this was not a casual decision. It was limited to a very small number of visa applicants.

Library of Congress

Q: So this meant, naturally, that you sure as hell weren't going to refer something up to the Secretary unless...

OTTO: There was an inter-agency clearance process. It was not that there was always agreement between all of the agencies involved in that process. But you got to the point where you were going to do something where the political, geographic bureaus in the Department had had a chance to get their views fully on record. That's why the Coordination Division was called the Coordination Division, because otherwise the tale makes no sense. Indeed, it was a process involving the preparation of action memos.

Q: Did you get involved in the Irish situation? Certainly, it's been a thorny problem over the years, and politically fairly sensitive, since Irish Republican Army types who want to come to the U. S. were also advocating terrorism. At the same time they were considered political heroes by certain groups of Irish — constituents of certain Senators and Congressmen in the United States. Did the IRA cause you any problem?

OTTO: During the time that I was in the Visa Office, we did refuse these people or we found people ineligible on the basis of terrorism, either because they were proponents of or practitioners of terrorism. They were refused visas. And waivers were issued in some instances and in some instances waivers were not offered. I don't remember that problem coming up very often. There was one particular guy whom we had found ineligible, based upon some statements he had made. Indeed, we gave waivers to him with some regularity, but each time the issue was considered very carefully. It wasn't just a pro forma thing for him to come to the United States. We didn't say, "Oh, sure, here's a waiver." We looked at the matter each time and very carefully. There were some others who were in the IRA family who, basically because of things that they had done, were not allowed into the U. S. on a waiver. We didn't offer one. Speaking of waivers, a person has a right to apply for a waiver, independently of what the consular officer might do. But, generally speaking, if you're more favorably inclined, you say, "Well, let's look and see if a waiver is

Library of Congress

appropriate.” If you're not, you never even mention the matter to the applicant. I think that the highest profile case that I can think of, offhand, was the Waldheim case.

Q: This was Kurt Waldheim, who was Secretary General of the United Nations at that time, or was he?

OTTO: No, at the time this issue came up, he was President of Austria. For us in the Visa Office we were shoved onto the periphery, because it was such a high profile thing. It was largely up to the Department of Justice.

Q: The problem was that, although he'd been Secretary General of the United Nations, after he was elected President of Austria, it came out in the...

OTTO: There had been allegations...

Q: There were allegations that he had been very much involved in intelligence activities dealing with Jews and others.

OTTO: Genocide. At that time there was a Section 33 of the law which dealt with people who had been involved in, supported, or gave sustenance to the Nazi regime in terms of persecution — I don't remember the actual, technical wording.

Q: How did you deal with the problem that must have come up from time to time of young officers, particularly at the smaller posts, feeling their authority and refusing visas or being very difficult? They really were exercising legal authority but may have been taking too much unto themselves at some posts.

OTTO: The way that I liked to handle those things was to call people on the telephone, talk to them by telephone, rather than putting things down in writing. Sometimes I did that myself, some times the people in the Post Liaison Office did that. The basis for our action was to make sure that the person knew that, from our perspective, there seemed to be a legitimate reason for the person to come to the U. S. When you're at a post and

Library of Congress

a person walks in the door, whom you may never have seen or heard of before, and who says that he or she would like to go to the United States for some particular reason, you look for some kind of evidence that they actually do have that reason. In some instances it's pretty hard to prove, if you don't accept the evidence which they present. And one case that immediately comes to mind, for example, would be the death in the United States of a relative. And, indeed, if a person fits your profile as those kinds of persons who tend to violate status or adjust status, when they get here on a non-immigrant visa, then, if they walk in with something, you tend to say that, "Maybe you have a valid reason to go. You say it's a valid reason. I'm not so sure it's a valid reason. Is it really somebody who died or not?"

In those instances a member of Congress or the Bureau of Congressional Relations in the Department might come to us and say, "Gee, you know this relative of this person actually did die." (Or they confirm some other reason that had been given for the trip.) We might very well call up the consular officer overseas and say, "Well, we're not telling you what to do. But we can tell you that there's really a reason for them to come." Then you go through various considerations — at least I go through them — and say, "To what extent are you looking at this, just based upon the profile? Have you talked to the person, do you basically see what they're saying? Why, in this particular case, do you feel that they are an intending immigrant, rather than a person who has a legitimate reason to travel?" Well, when you're put on the spot like that, sometimes it's very hard to explain, because you get into this area where the consular officer might reply, "Well, there's just something about this case that's not right." We all know and we've been through that process and know that, as far as the consular officer is concerned, that's a valid reason. But at least if he or she is reasonable, you have a chance of getting them to take a fresh look. If you get them to take a fresh look, the chances are probably fairly good that, after having heard that there is a legitimate reason for the proposed trip, they will change their mind. Sometimes you're right, sometimes you're wrong. There is no perfection in this particular line of work.

Library of Congress

Q: I know we have only a limited time for this, but one final question. On the matter of fraud, seen from the Visa Office perspective, was there concern that, with technical equipment available, and given that visas to go to the U. S. are much in demand, was this a major problem, and how did you deal with it?

OTTO: When I arrived in the Visa Office, there was a Fraud Section within VO/F. I've forgotten again what the operation was called. Before I left the Visa Office, the current fraud prevention program was closed down. During the time that I was there we had good people working on visa fraud. Indeed, there was work in liaison with the forensic lab of the Immigration Service and in the training program. We tried to work on the basis of all aspects of fraud, both in terms of what I would call general intelligence gathering and in trying to look at the bigger picture, as well as what I would call, in general, documents fraud, whether altered visas, photo substitutions and other kinds of alterations, visa foils that are counterfeited or moved from valid ones to non-valid ones, what kinds of security devices have been built into our own visas — what to look for and how to look for them — and working with airlines and other groups.

One of the problems that we had during this period was related to the civil war in Afghanistan. There were lots of Afghans in Pakistan — maybe there still are, I don't know. They would be able to get on an aircraft in Pakistan with some kind of passport with visas in them — fraudulent. The whole thing was fraudulent, but they were good enough to get by the airline people at the airport. They would get to that point, and once you're in the system, you don't have to worry too much about that as an issue. You go from transit lounge to transit lounge and may never have to show your passport again. Well, they'd get to the last leg going over the ocean and they'd flush the passports down the toilet. They'd arrive in the United States and say, "We're refugees."

Now the Immigration Service did not like this at all. We didn't like this. So there was an active program to deal with this situation at certain places — I can't remember where they all were. Somewhere in the Caribbean, I know for sure. Some were in the Asian

Library of Congress

subcontinent. We said basically, "Let's try to train people in the airlines to look for certain things, to look for certain kinds of documents, things that can be related to this kind of activity. So we tried to do the best we could in terms of looking at the broader picture as well as looking at fraud, in general. I know that this is an area where you have to work at it continuously. You can make it as hard as you can for the people who are trying to get around the controls, but you can never keep them from trying. Therefore, to the extent that you can build-in good training on the kinds of situations going on in the world...I should say, good training in terms of what document fraud involves, what to look for in photo substitutions, bad passports, or whatever, depending upon the local environment where that seems to be happening, as well as the general situation — when you're talking about Afghans who were getting visas and false passports. Sometimes they were false passports and counterfeit visas. And in traveling through a series of countries — that's a broader intelligence matter. If you can catch them somewhere along the line — perhaps they are involved in bribing people — all the better. We had some successes, but people continued to get around our controls.

Q: What about corruption of consular personnel, both officers, staff, and local employees?

OTTO: I don't remember anything of significance during the time that I was in the Deputy Director's job. Of course, I think that the best-known case happened in Seoul.

Q: It started just when I was cleaning up one mess. It was starting in the Mail Room right underneath my office!

OTTO: That also brings back some memories of another thing that happened. Again, it came out of Korea. When the Immigration Service gets the immigrant past the INS officer at the port of entry, they normally send the visa to a central location. I don't remember where it is. I think that in this case it was in Kentucky, where they actually enter the basic data into the system. They record the new "A-Number" as a permanent number related to that particular individual. Somebody doing that job entered a number on a visa package

Library of Congress

that came out of Korea and found that it was a duplicate and that the number was already in the system. A few moments later the person went to her supervisor and said, "What do I do with this? I've got this new immigrant visa, a person coming in, but this number's already used — it's already in the system. Somebody has already come in with that specific A- Number." The supervisor said, "Aw, don't worry. There are always mistakes, it's probably a missed number on the form, or something like that." Because at that time the control sheet on immigrant visas contained an A-Number for registration purposes — at least that's my recollection. The person registering the case said, "No, we've got to do something about it." So the supervisor said, "OK, we'll make a pro forma inquiry."

It turned out that the Koreans had reached the point where they were producing an entire, immigrant visa package — counterfeited. Counterfeit stamps for the petition approvals, counterfeit cover sheets, counterfeit everything. The lady who discovered this fraud finally got an award for it.

Then we had to go back and institute a procedure whereby the cover sheet, as a control sheet, had to be accounted for at every point. Because of the way in which the cover sheet was processed through the IVACS system — an automated, computer-driven process — the computer feed occasionally didn't work and forms got mangled. Well, people were picking up the numbers from forms that got mangled, while the Intellicon mail system somehow goofed in this instance. That was the way we caught it.

In the instances that I am aware of, the basic clue to what was happening often came from information from within the fraud ring. This was the case with what I referred to earlier as the scheme in Poland and the fraudulent scheme in Korea. Somebody within your national staff becomes disaffected with the fraud ring and rats on the rest of them. The Korean scheme was an exception because it was unique. There was a specific type face involved, produced by a specific typewriter. On successive days one officer happened to be dealing with two cases from geographically different areas. The documentation used the same,

Library of Congress

specific type face. There was nothing in common in the cases involved: the notaries and the immigration officers were different, but the type face was the same.

If you want, I can come back later on...

Q: No, we might work on this again.

OTTO: We haven't even talked about the Immigration Act of 1986, the lottery programs...

Q: OK, come back later...

* * *

Q: OK, today is October 1, 1992, and Allan Otto and I are going to continue. Allan, when we left off, you said that there were a lot of other things to talk about. A couple of things were the lottery system, the Immigration Act of 1986...Why don't we start with that, and then...Where were you, what were you doing?

OTTO: I was the Deputy Director of VO [the Visa Office] at the time of the 1986 Act. Despite the fact that there had been a lot of discussion of the Act and its possible passage, the actual passage caught virtually everybody by surprise. Certainly, since it was an Act that was basically aimed at illegal immigration...It tried to establish worker... I forget what the exact terminology was for that. The idea was that the Immigration Service would be able to apply sanctions against people who hired illegal aliens. The INS could fine employers who hired people illegally. They set up the standards, and all of that. There really wasn't much, in the discussions leading up to the final passage which would affect our work in the Visa Office, except that at the very end they put in a section that dealt with the distribution of visa numbers by lottery.

Lottery is a term which may not be exactly correct, but it is the term which is currently used to describe that part of the Act which set up what we called the "NP-5" program. When

Library of Congress

we found that in the Act, we really had to think about what we were going to do. We didn't have much time to do it, either.

Q: Let me ask a question. Immigration is a confusing and very complicated business, as far as we were concerned. There are and have been different categories, different priorities, and all of that. The Visa Office is the main section of the Department which deals with this matter. Yet I get the impression that Congress goes off and draws up an Act without an awful lot of attention to the Visa Office. Where did you...where was your input?

OTTO: Because of the fact that the law was basically looking at questions surrounding illegal immigration and how to reduce it, there was not very much input from us at all. My recollection is that there was a series of hearings held in the year or 18 months preceding the passage of the Act. But those hearings were basically directed toward the Immigration and Naturalization Service. Congress was really not considering changes in the visa categories at that point. They were looking at all of the other things surrounding the immigration process. Basically, from the Immigration and Naturalization Service's standpoint, there was no indication whatsoever that there would be a provision which would allow for the so-called "adversity" program — people who had been adversely affected by the changes which occurred in the 1960's. Therefore, we had no input there, and there were no consultations with the Department. There was nothing in the hearings that I can remember, at least, that addressed this matter. Previously, there had been bills before Congress to give preference to the Irish. My recollection, which may be imperfect, is that Congressman Donnelly, I think, had a bill that he had introduced but which had gone nowhere. It would have given preference to the Irish, and so on.

Q: Two things. Didn't the Visa Office have the equivalent of a "mole" or good friend or somebody sitting on the Congressional Committee staff? Which committee was dealing with this?

OTTO: Well, obviously, it must have been the Immigration Subcommittee.

Library of Congress

Q: I would have thought that relations with them would have been such that the bells would have been ringing back and forth if anything came up.

OTTO: Well, I can only tell you what I remember about the circumstances and some of the aspects. I mean, we didn't see it coming. At least, officially we didn't see it coming. I don't know of anybody on the visa staff in the Visa Office who might have had contacts with the Congressional staff on a working level basis. In any case, if they knew about it, they didn't say anything. Whatever our relationship was with the Congressional Committee staff, I think that it was basically cordial. Our Assistant Secretary at the time was Joan Clark, and I think that her preference was that we should keep the legislative aspect separate from the executive. If they have something that they want to do and they want to pass it and consult with us, they will. While we didn't necessarily have a standoffish attitude, we were certainly not going up there [to Congress] and establishing very close relationships so that various things would be talked about and proposals kicked back and forth. The thrust was basically how we bring illegal immigration under control. The bill was looked upon as being one which would deal with that. Legal immigration to follow. In fact, it did, which was somewhat of a surprise in such a short time, because in fact, if you look back at the past, the intervals between passage of major immigration legislation were fairly long: 1952, 1965, 1973, and then there wasn't another bill until 1986. There were a couple of minor bills which brought in some amendments. I'm not sure whether another immigration bill was passed in 1973, but it was somewhere in the mid 1970's. There have always been seven to 10 years between immigration laws. So we really were caught, as far as I can determine — we didn't know anything about it.

Q: What were the pressures and what caused this lottery system, if you call it that, and where was it coming from in Congress?

OTTO: The 1965 Act was really a major act. I think that, if people would go back and examine the record, they would find that, indeed, there were some people around at the time who predicted that this would cause a basic change in where our immigration

Library of Congress

flow would come from. By the middle 1980's it was quite evident that the results of that Act — whether anticipated or not, and I think that they were — meant that the flow was coming basically from Latin America and Asia, including the Indian subcontinent. The traditional migration from Europe — northern, southern, whatever — had basically gone by the board. Now you can talk about why that might be. I mean, the Act doesn't change the ability of the Europeans to come to the U. S. It doesn't give any particular preference to Latins or Asians or people from the Indian subcontinent. Therefore, why do they come? Well, I think that the fact is that they now could come on an equal basis — they could compete equally with the people who were coming from other parts of the world. Legislation prior to the 1965 Act was so structured as to favor the Europeans. Quotas were based upon the Census of 1920. Therefore, if the Europeans didn't use their part of the quota, it went unused. The quota limits for all of the rest of the world, based on the 1920 Census, meant that there were very small quotas for lots of places, and specifically South America and Asia and...

Q: The basic quota was something like 110, or something like that.

OTTO: It was very, very small.

Q: Of course, there's another factor, too. I'm speaking of when I was in Italy in the late 1980's. In the Naples area, which used to be the immigrant producing region — immigration demand was way down. Part of it was that the Italians were migrating elsewhere — up to northern Italy or Switzerland. In other words, conditions in Europe had changed, too.

OTTO: My own personal opinion is that conditions in Western Europe had changed so dramatically. As progress was made after World War II, conditions became better and better. Whatever might have driven people to emigrate earlier was no longer driving them to migrate — from Europe, at least. Living conditions were too good. I don't believe that people emigrate, just to emigrate. They migrate only because of some real dysfunction —

Library of Congress

real dissatisfaction with the way they have to live their lives in the countries where they're living. They don't leave their countries because they hate their countries, their homelands. They leave it because they feel that they have no chance of doing whatever it is they feel they have to do to survive in some way that is acceptable to them. And then they go elsewhere. As Europe progressed after World War II, that became less and less a factor. Anyway, by the 1980's I think that there was some concern on the part of some people in Congress. Now, you will not hear it in any kind of published form, and I'm not going to say exactly that this was the case. But in a general sense there was some concern that our immigration was coming largely from Latin America and Asia. And what was happening to the Europeans, and somehow were the Europeans, in this wonderful quotation, "adversely affected by the changes that occurred in the law in the mid 1960's?"

Therefore, there was a move — some consideration was given to what we should do about this. I guess that the answer that they decided on, very late in the game, was this particular provision which introduced special arrangements for the people from countries from which, in effect, immigration had decreased since the passage of the 1965 Act. They would be given an opportunity to compete for visas on a basis outside the normal structure. You did not have to have a family relationship and you did not have to have a particular offer of employment in the original program. Therefore, what it did, basically, was to create a non-preference category limited to 32 or 34 European countries, which were determined to have been adversely affected as a result of the 1965 law. I think that, in part, this was one way of responding to pressure from the Irish Lobby, if I might call it that. Because, in effect, this allowed people from Ireland to apply for immigrant visas, under provisions which had not previously existed.

There were some people around at the time who, I would say, were not necessarily blatantly Irish. I mean O'Neill was Speaker of the House, Senator Kennedy was chairman of the Senate Committee. On the House of Representatives side I don't think that there was anyone, particularly in the Judiciary Committee, who was overtly pro-Irish. But [Representative] Donnelly had been lobbying for something to benefit the Irish. I wouldn't

Library of Congress

say it was entirely that, but I think that the reason for that particular provision was largely to do something for the Irish. But they couldn't, or they didn't want to make it absolutely, specifically pro-Irish. So they had to look for something which gave it an umbrella, under which the Irish could come, without its being clearly drafted for this purpose.

In the Visa Office it presented a problem for us, because the provisions of that particular Section said that it would be done on a chronological basis, first come, first served, at least in theory. And the basic question was, "How are we going to handle this matter so that they can come on a first come, first served basis, or chronologically?" After some discussion we decided that the best way to do it was to have the U. S. Post Office "rank order" the applications. Indeed, in effect, the Post Office initially preferred not to put them in any particular rank order. However, we, in effect, said that we would handle these cases in the order in which we receive them from the Post Office. We looked at the possibility of trying to accept applications at Foreign Service posts abroad. However, in view of the differences in time zones how could we register them and provide them with a chronological date and time which would allow everybody, basically, to compete fairly?

Despite the fact that the countries benefitted were mostly in Europe, there were a couple of countries in the Far East. There was a question not only of where these countries were but where the eligible nationals of those countries were living. They could be anywhere in the world. When we looked at the problems of trying to figure out a system whereby we could equitably give everybody a fair chance at competing, we found that it was very, very difficult to come up with something, if you did it on the basis of either applications in person at Foreign Service posts or mail- in applications to Foreign Service posts. There were the differences in time zones. I mean, do you use Greenwich Mean Time as your starting point for your chronological applications? Whatever time it is in London would be very different in Tokyo.

Q: The applications were to be in chronological order, so you couldn't say that everybody within a certain period of time could come in and then pick numbers out of a hat?

Library of Congress

OTTO: No. As we went along, what followed the NP-5 program was — I don't know what the technical term for it was, as it was passed after I left the Visa Office. It was the OP-1 program that did that and, in effect, was a different way of handling the matter. But I'll get to that in a minute. So, when we looked at it, in an effort to be fair, we thought that if we could do this in the United States, rather than at Foreign Service posts, the only real problem that we would have, after thinking it through, was whether we had enough money to do it. If all of the applications had to be sent to a central Post Office Box, and the envelopes were put into what they call "trays" or "racks," we could develop a procedure which would be consistent and logical. At a designated time and, depending on the way in which the Post Office organized the envelopes in these containers that they gave us, we could say that we have received these containers in this order. The Post Office marked them, we have marked them. We have developed, in effect, therefore, a chronological order. Now it makes a lot of sense to say that, "OK, we can process these applications in a way which will be fair to everybody. We would have no control over the chronological ranking, and the visa applicants would have no control over how the Post Office is going to take the trays, place them in chronological order, and give them to us. Dealing with chronological order, we thought that was the fairest way of doing things.

Q: Just to get an idea, let's say that I'm living in New Zealand and it's going to take me a lot longer to get my mail from New Zealand to Washington than it would from Canada to Washington. Was there anything built in there to allow for that?

OTTO: Yes, well, we looked at the timing and decided that we had to give people — I think it was at least a month's advance notice of a date for submission, after which applications would be considered to be valid. Because there was no particular, legislative reason to limit the applications. After further consideration we in the Visa Office decided that we would not limit the number of applications. This provision allowed people to mail in applications over a number of days. In this way the applicants could spread their

Library of Congress

applications over a period of time and hopefully get theirs and all of the applications sent in by air mail after the start of the actual application period.

Q: You said, "the applications." Isn't that a key problem?

OTTO: Well, again, we looked at that. I don't remember specifically the legal reasoning that was entered into, but we did look at the matter in terms of, "What can we limit it to — one application?" But because of the way that we were going to do it, we thought, "How can we make sure?" At least from my perspective in going all through this, we wanted to be fair to the greatest number of people that we could be fair to. We didn't want to give anybody a particular advantage over anybody else. There was nothing in the program that indicated that this would be so. We expected that there would be a fairly large outpouring. With that in mind, how could we structure the program so that we could be fairest to the largest number of people? If we said, well, only one application will be accepted and we provided that the application had to arrive after the opening date — and I think we had the mailing period open for, I don't remember whether it was two, or three, or four weeks; it was a sufficiently long time. But it was obvious that the earlier you got your application in after the opening date, the closer to the front of the line you would be. However, if you're mailing from some distance — wherever you might be — how could you make sure that your application, if you only had one application, would arrive, not too early, as compared to much too late?

Q: Because that would mean that the person living in Washington, DC, or...

OTTO: Look, anybody who was in the United States...

Q: Could do it, but the person in Auckland [New Zealand] would be...

OTTO: That's right, he would be disadvantaged. It turned out that people who were in the United States, or who had relatives or agents in the United States — many of them came down to the specific location and sat outside at night and mailed their envelopes

Library of Congress

in order to have their envelopes among the first to be collected after the opening of the application period. If you only had one application, it really would have been very difficult to predict when it might get there. So, we thought in terms of fairness, and since there was no particular reason or basis for limiting the number of applications, we didn't limit them.

Q: You keep saying, "We." Just for somebody who might look at this later on, could you give me an idea of who "we" involved? OK, essentially this provision of the law came, sort of lobbed over, from Capitol Hill, like a bomb. Who was dealing with this and who were some of the players?

OTTO: "We" meant basically the people who were in the Visa Office. Jerry Ogden was the Deputy Assistant Secretary. I was his deputy. Dick Scully was, as he is now, in charge of the Legislation Regulations Office. Dan Welter was in charge of Field Liaison, and he played a pivotal role, also. He had a fellow by the name of Tony Perkins, who was the Division Director for Field Liaison. Seton Stapleton was in charge of Visa Control, as he is now. Who else? The people in the Bureau of Consular Affairs' office that deals with automation had to play a role, too, because we had — on very short notice — to develop a computer program in order to do the registration. We actually ended up doing it through a private contractor, called "Statistica." As I was saying, within the Visa Office, the people that were mostly involved in it were Jerry [Ogden], myself, Dick Scully, Dan Walter, Tony Perkins, and Seton [Stapleton].

Q: Well, now, the role of Assistant Secretary [of State] Joan Clark — did she say that it's your problem and go and take care of it?

OTTO: She always wanted to know what was going on and didn't want us going off in directions where she didn't know where we were going. In effect, we had to make a presentation which convinced her that doing it this way would be the fairest way. Ron Somerville was then the Executive Director [of the Bureau of Consular Affairs]. He also played an important role, because we were caught. If we put it on our field posts, there

Library of Congress

would be additional work. It would probably be of limited duration. Whether they would have needed additional staff to do it or not remained to be seen. We couldn't think of any way that we could actually get around the chronological conundrum. Take a simple example: a post in Tokyo and a post in London — both countries included in the group that was “adversely affected.” You set your time for the opening of the applications at some point in Greenwich Mean Time. Let's say, to be fair to both, you set it at a strange hour, so that it would not be either during the work day in London or the work day in Tokyo, if that's physically possible. Let's say you open your consulates or your consular sections, particularly for the purpose of registering these people. As you register them in Tokyo — even if you date stamp them with as exact a time as you could — you would then have to have some process of coordinating with one another the dates on which they were stamped. But what would you do for duplicate applications? Now, that's if you only have two places where you do that. If you had to do it, basically, at all Foreign Service posts, because it is at least possible that the field area for people who can apply for this program could include virtually any place in the world.

Q: Even if there is a limited number of countries, the people could be living anywhere.

OTTO: Really anywhere. You would have had to take all of this registration information from 140 — about 140 now — immigrant visa issuing places. We have about, what, 240 Foreign Service posts. And then bring the applications together in some way and try to organize it so that you would make sure that duplicate applications would be taken care of. People would be registered at a particular time — date, hour, minute, second — to fit into the chronological order. We didn't know how we could do it. Plus, we weren't sure whether we could rely on the integrity of our [Foreign Service] National staffs to do this. In some instances it would not have been a problem in terms of integrity, but in other cases it might very well have been, especially since, if you were in places where you didn't want to be and you could qualify, you could apply yourself, as a member of the [Foreign Service] National staff. You didn't have to have the normal prerequisites — some kind of offer of employment or some kind of family relationship. So we thought that doing it through the

Library of Congress

Post Office in the U. S. would give us an advantage. Certainly, we talked with Ms Clark, and the advantages...

Q: What about the Senate and House staffs? I mean, they have technical people. Did they just say, "Well, you've got a problem, but that's the law. You work it out." Or what did they say?

OTTO: You know, I have no clear, specific recollection that we went back to them and described to them what we planned to do before we did it. I'm inclined to believe that there were discussions but I can't think of any specific meetings — at least, none that I participated in, that I can recollect. I'm sure we did, though. I'm sure that people like Dick Scully kept them informed of what we were doing. And my recollection is that we did not get any kind of feedback from them that said, "No, this is not what we had in mind. No, we don't want you to do this." In fact, looking back at it after the event, I think that we largely created a problem for ourselves because the success in administering it, and at least, to the outside world, very fairly, resulted in successor programs. We could have really botched it, and it would have been clear that it was not fair and that it couldn't be administered. Perhaps the Congress would not have been so likely to pass successor programs which were similar.

This is how we handled the matter. The money was made available, a contract was let, a contractor came in, and software was written. We tried to document how we did it and what we did, through weekly or monthly reports. We started out with weekly reports, and the system worked. The mail that came in — I don't remember the number of pieces of mail received — was considerable, but we were able to record it as it arrived into a data base which recorded date, hour, minute, and second. I think we even broke it down one step further. The person's priority date was determined by this entry into the computer.

Q: And then you had names, so that duplicate applications were eliminated.

Library of Congress

OTTO: The software of the program had a duplicate check feature. As I look at it in retrospect, it could have been better, but it worked. We had a way of eliminating duplicate names.

Q: I assume that you built up a list. You had — what was it, 35,000 names?

OTTO: There were 45,000 visas. No, excuse me, I think it was 10,000 visas a year. The first program provided for 10,000 visas a year for two years.

Q: And each one required a separate application or submission?

OTTO: No. What we got in, we could use for both years.

Q: You must have had many people who qualified by time but, when the moment came for them to present themselves, there was some reason why they weren't eligible, or they didn't want to come, or something like that. You must have had a long, backup list...

OTTO: I don't remember. My recollection is that we registered 20,000 cases. We registered enough cases so that we would have had 20,000 people. My recollection is, 10,000 a year for two years. We didn't throw away the applications. We held them, marked in the order in which we received them from the Post Office. If we needed to go beyond that 40,000 figure, we could have done so. I left the Visa Office right in the middle of the program and therefore was not there for the second year. I don't know exactly how that worked. Basically, the number that we recorded we used for the two years. Whether they had to have some additional applications at the end, I really don't know.

The applications were held by tray. Actually, when the Post Office gave us the applications, they were held in what is called a "tray." This is a kind of oblong, cardboard box, 10 to 12 inches wide by two feet long — about the width of a standard, business sized envelope. You can fit about 500 of these envelopes in a "tray." The trays were set on movable, stackable racks. As the Post Office received the applications and put them in

Library of Congress

trays, they marked them and gave them to us. We processed them by tray. If you wanted to have absolutely pure, chronological order, you could only have one person doing data entry, because, in effect, the Date/Time Group was the last item entered in the computer. In fact, we had a number of people — perhaps 10 or 15 or so — doing data entry. Each person would take a tray, divide it up, and enter the data. Perhaps 500 persons were being entered at approximately the same time. In perfect, chronological order? Not exactly, but close enough so that the time difference between entry was very small. We figured that only at the very end of the process, at the end of the two year period, might there be a question of, “Gee, was this person's application really entered three seconds before that person's application? Were they really, you know, three envelopes ahead or three envelopes behind?” This was something we would just have to live with. Because there was really no other way to get the data into the system quickly enough. When the law was passed in November, 1986, they wanted us to issue visas during that fiscal year [fiscal year 1987].

Q: That is, before the end of September...

OTTO: Before the end of September, 1987, we had already issued the first 10,000 visas. We only received copies of the Act in November, 1986, so almost half of the fiscal year was already gone. And we didn't have anything at the start, when the Act was passed. But we did the job.

Q: Looking back at it, what was the result? Where were the people — who was benefitting, where were the people coming from?

OTTO: The largest number of people came from Ireland. Subsequently, that was used as a basis for giving the Irish the percentage which they got under the “adversity” program included in the 1990 Act.

Library of Congress

Q: Why was this — can you figure out why? Were there just more people that were applying from Ireland?

OTTO: Pressures in Congress prior to the passage of the 1986 Act were the driving force. There was a group of Irish living in the United States illegally who took advantage of the Act and benefitted from it. We also had a fairly large number of Poles, and my recollection is that we had more from the Far East than we would have anticipated. So, the Koreans were in it, and they got their share, plus the British and the Germans. But I think it was the Poles and especially the Irish who...

Q: How did you find the posts reacted to this? Was this a major problem for you?

OTTO: Things have happened since then, and circumstances have changed. There's always bound to be a certain amount of what I call constructive criticism. You could call it "constructive doubting." My recollection is that there was some of that. If we were asked on the telephone, "Why are you doing it that way?" — we would say, "Well, how do you do this? How would you ensure fairness? How would you ensure chronological order?" After thinking about it for a while, the people we were talking to would say, "Gee, we're glad you're doing it that way. We don't have to handle it. You send us the cases when they're ready to process." And the fact is that, given what we had, there wasn't a better way to do it. We could have had better a software system than we initially had.

Q: That takes time to develop. You had to have it right at the beginning.

OTTO: Right. In retrospect, what we should probably have done, and what we are doing now with the current, "adversely affected" program, is that, in addition to having a Date/Time Group we should have had a program that would then have issued — No, I can't say that. Using the Date/Time Group is the only way that we could have done it. The only unfairness was that, in reality, they were not entered into the computer in perfect, chronological order. Nobody ever came back and said to us, "You did it wrong." People

Library of Congress

know how we did it. That program ran for two years and was followed by the OP-1 program.

The OP-1 was a different program. I was out of the Visa Office at the time. I'll go over it very quickly. Its intent, again, was to give people who could not qualify under the current law, either by virtue of an employment offer or because of family relationships, an opportunity to get an immigrant visa. There was no limitation on the number of countries. It was open to anyone in the world. The way in which you qualify is not in chronological order. There was an open period of about four weeks, during which you had to get your application in. During the open period virtually anybody in the world could apply by mailing an application to the Post Office Box. Then there was a computer program which took these numbered envelopes — the envelopes were actually numbered by the Post Office as they were received. They were then ordered in the trays by time of receipt. The computer program in use then picked the numbers randomly. That program only ran one year. It worked well. But when the 1990 Act came along with an “adversely affected” program in it — despite the fact that meanwhile there had been testimony before Congress by the Deputy Assistant Secretary for Visas that we were much in favor of the OP- 1 program — Congress eventually decided not to put the OP-1, random type program into the 1990 Act. Congress approved the random type system for the first year and received about 24 million pieces of mail about it, much of it adverse. As a result of the public furor that that caused, and there was a real, riotous scene out at the American Post Office...

Q: At Springfield, VA, just outside of Washington. It is the central Post Office...

OTTO: Congress then put through a technical amendments bill and changed the provisions to allow for the same kind of lottery that was in the NP-5 program. That, in effect, is what's being done currently. The way that we handled the NP-5 program survived — I think there were one or two, unsuccessful court challenges. Congress never criticized the NP-5 program. I think that its success led to successor programs. You can argue that, no matter how badly it could have been botched administratively, the section was

Library of Congress

prolonged anyway. Certainly, there was no reason for the Congress to believe that such a program could not be administered in such a way as to make it fair, at least in the eyes of the public.

There was one aside which I think is kind of funny. There was a political cartoonist who did a cartoon about this. I think it was carried in one of the Miami newspapers. It showed a group of people demonstrating outside an American Consulate somewhere, carrying slogans like, "Down with Yankees" and "Yankees Go Home." And then this law was passed. The next cartoon is basically a repeat of the first one — with the same crowd. But everybody's saying, "Me First," "Give Me My Visa First." It was an interesting comment, as I look at it.

I think that the people concerned really benefitted. Obviously, as time passed and successor programs came along, they have been further modified and refined. What we now have is not only a repeat of the NP-5 program, modified in terms of at least the second and third years of that program, but with the applications placed in non-chronological order. We have a lottery. But an applicant also has to have an offer of employment or be able to present an offer of employment at the time the immigrant visa is issued. During the first year of this current program the number of Irish who were supposed to get visas — some 20% of the 40,000 numbers, or 16,000 people — fell a little short because a smaller number of people applied. The non-Irish used up the rest of the numbers, and I think that the carryover was something like 15,000 Irish and 35,000 others. Next year there will be more issued to the Irish because of the provisions of the law. So far the largest number of people, by nationality, in the second year of the program, are Poles. And we will see how many envelopes they're going to have to open to fill out the number.

In retrospect, the second lottery produced about 800,000 letters, whereas the first one produced 24 million. One application per person during the application period, with a random number generated by computer. It is a much more reasonable and fair way.

Library of Congress

Q: Are you getting any feedback or have you heard — because you still have your ties with the Visa Office — what has happened to these people? Are they settling as well in the United States as any other group or do you have any feel...?

OTTO: I have no information at all. Theoretically, you can say that they are. Basically, the immigration law is aimed at reuniting families. The immigration law, in that sense, is fairly clear. If you want to call it restrictive, you may call it restrictive. But either you have an offer of employment that fits into these categories or you have a family relationship.

Q: And if more people come in with an offer of employment, this means that they're usually a new family starting in the United States, which means, then, that they have relatives back in the old country. Because I think that one of the old concerns was that the Irish have been here so long, for the most part, that they no longer have those family members still in Ireland.

OTTO: Well, family ties pretty much involve close family: husband, wife, mother, father, brother, sister. When that group gets here, then cousins and grandchildren are ineligible, for the most part. It doesn't carry on for successive generations. You have to have new people coming almost all the time in some way. I think that for the Asians and the Latin [Americans] the backlog is there. Therefore, they're running off the backlog. If, for example, the Irish are able to take advantage of both of these programs or have taken advantage of both of these programs, theoretically in a few years you should see more of their close relatives coming to this country. But I don't think that there have been any studies to measure what the after effect has been. On the contrary, I haven't heard that these people came and somehow failed to make it in the system and left in any kind of numbers or anything of that nature. That information is very difficult to come by in our society.

Q: It is a statement regarding people in the visa business. You issue the visa, and your only way of monitoring it is if — particularly in a post abroad — you can get a feel for how

Library of Congress

they do. Because when they send for their relatives, you get an idea of how well they've done, because they send statements of their income.

OTTO: And that information is not collected in any systematic way. Unless you know you want that information or have some use for it, it's hard to collect. I know of a study that was done in Mexico City. A questionnaire was developed for immigrant visa applicants, and these were collected for a period of about three months. The results of that survey were very interesting. Some of the things that one would have expected at the time were there, but there were other things that were also interesting. For example, just about everybody concerned was coming back from the United States to apply for an immigrant visa. They had gone illegally and established some kind of legal entitlement, whether it was marriage or job related. Then they stayed in the United States until their immigrant visa interview was ready and came back and got their visa. There was some information in this, however, that was also different. Some questions were asked about, "How long were you in the United States before you came back?" "How many years had gone by between the time when you went and your actual, immigrant visa interview?" "What kind of educational levels?" and "Why did you go to the United States in the first place?" It made interesting reading, though I don't recall the details. I don't know of many instances when that has been done. It's not something which has been required. If you do report something like that, who is really interested? People say, "Isn't that interesting?" Maybe there should be something done like that more often. As we get to the point where we do more things electronically, and files are kept electronically, if we're wise enough in terms of how we set up our electronic file systems, we should be able to extract all kinds of data.

Q: There are two major factors worth considering in this connection. One is the factor of fairness. There is a general feeling that we should not have quotas. The other factor is the political imperatives of people from an Irish or a Polish constituency. They want to make sure that their relatives are taken care of.

Library of Congress

OTTO: I think that's fair. Some studies have said that migration to the United States is largely a result of economic conditions within the United States, as well as economic conditions within the country from which these people come. I think that there's a good deal of truth in that. However, it's not a perfect correlation. Obviously, Mexicans, and to a certain extent, Central Americans can get to the United States a lot easier than can people from India. The nearness factor is very important. Take a look at the extent of legalization of illegal aliens that resulted from the 1986 Act. I think that something in excess of between 70 and 80% — I don't remember the exact number — were Mexicans. Well, that has to reflect something. That's not just...

Q: If Chinese could just drift across the border as Mexicans do, we might have a new Chinese Exclusion Act.

OTTO: Probably. There are some other things about the 1986 Act, which were interesting from a visa point of view. I might just mention those quickly. The agricultural provisions were such that one would have expected that many more people might have entered the country under the “H” or temporary, non-immigrant visa.

Q: It's a designation for the non-immigrant visa. “H” is a temporary worker.

OTTO: The Act created an agricultural category, or sub-category, to allow for this to be done in a certain way. I don't believe that the “H” route has been used to the extent that people thought it would be used. I think that it's been used more than in the past for agricultural workers. But it was really fascinating to be in the Visa Office at that time and see what the impact was on the piece of legislation which was basically trying to say, “We're going to try and cut back on illegal immigration.” There was a whole series of circumstances involved. For example, the presidents of the Central American countries met in Central America to discuss how they should approach the United States to make sure that the United States did not engage in large-scale deportations of their nationals, who were in the United States illegally. Some of us at the time looked at that

Library of Congress

and thought, "They really believe that, first, we have the ability, not to say the will, to go about rounding up these people and actually deporting them in large-scale numbers." From my perspective that was never a real possibility, but they obviously thought it was. I participated in one meeting with a gentleman who at the time was assistant secretary for Latin American affairs in El Salvador. The problem was, basically, what are we going to do about so many Salvadorans who are in the United States illegally? Are we going to deport them? Our answer was, "No, we're not." And we had to give them assurances that this would be the case.

In terms of the agricultural situation there were claims by the Immigration Service that apprehensions of illegal aliens along the border dropped precipitously after the 1986 Act was passed. I think that's true. I think they did. This was talked about at the time as demonstrating great success in cutting back on illegal immigration. In talking with various groups who were looking at the possibility of using the "H" visa, the agricultural visa, as a route to get agricultural workers in, it became obvious, at least to me, that what had developed in the western and southwestern part of the United States was that much of the economic system ignored the borders and was essentially a lawless system. People moved in great numbers up and back, based upon the agricultural seasons. They would move from the South to the North, or from California, to Oregon and Washington, to do various jobs there and move back down through California. But basically, they were not immigrants. They were basically agricultural workers who came to the United States on a seasonal basis. Virtually all of these people entered the United States illegally. We had anecdotal evidence which indicated that a farmer who only needed a couple of people, who couldn't, really, petition for them would enlist the help of somebody with whom they would somehow have established a relationship. They would say, "Come back next year about this time. I expect that we'll need you again." If that person did not want to come back any more, he would tell the farmer, "Well, I'm not going to come back any more, but I'll send my brother, my nephew, or somebody else." Someone would come back — and the system worked. When the Act was passed, there was some real doubt on the part of

Library of Congress

the agricultural workers themselves whether they would be able to return to the United States to work. And we had hues and cries from the agricultural industry. As a result, there was a whole series of meetings that were really, I'd say, demanded by the farmers and their Congressmen. Then their Congressmen would meet with both the Department of Agriculture and the Department of State — but mostly with the Immigration Service, because that's who they were aiming at. And the question was, "How is this going to work? How will the new temporary, agricultural program work? Will this really be able to supply enough people, etc?"

The Immigration Service went through a long process of trying to reassure people that the agricultural program would not take as long as it did in the past. There would be ways of allowing people to get their petitions in and adjudicated by the Labor Department on a more expeditious basis. The Labor Department was in on this, etc. Basically, I think what happened was that during the growing season in 1987 enough people got through and just followed the old patterns. I haven't looked at the statistics of how many agricultural, "H-1" visas or "H-1A" visas, or whatever they are now, have been issued to agricultural workers. However, I don't think that very many have been issued. I just think that we're back to business as usual, as it was before the 1986 Act.

Q: And the thing is, it really works.

OTTO: Oh, it works very well.

Q: In a way, we're talking about tribal migration, which are the bane of all people who try to set up fancy borders in many countries.

OTTO: Exactly.

Q: For instance, who just don't obey...

Library of Congress

OTTO: What amazed me was that, time after time, when you would hear these anecdotal stories, they usually involved one or two or three people showing up at the same place every year at the same time, and being there to do the same work, or whole villages in certain parts of Mexico being used by either one or a very few, large growers, to do basically the same things. And what amazes me even more in retrospect is that all of this was basically outside the law. What I mean is that these people moved back and forth. They didn't get visas to do this. They just went across the border illegally. And in most instances, at least based on my experiences somewhat later, many of these people could actually qualify — I've forgotten what the term is — for permanent residence. They could prove that they had been involved in agricultural activity. I went down to Mexico for a week or two while I was still in the Visa Office in 1987 to look at the programs being implemented for people who were trying to qualify as agricultural workers for permanent residence. Many of these people who had been brought into the United States paid Social Security contributions. Not all, but a lot did. So they were working completely outside the system, but the way in which they were recruited, the way in which they moved, how they showed up, when they showed up — was largely very informal. And it worked. Questions of standards of living, wage rates, and things like that are another matter. But obviously the Mexicans who came to work felt that it was in their best interests to do this, whatever the conditions might be. I'm not an advocate of bad conditions for migrant workers by any means. But they came and felt that they were going to be benefitted in some way. Obviously, the agricultural growers wanted them.

Then the other, specific thing I would comment about in the 1986 Act...

Q: Well, what other things that may be...

OTTO: The other thing that I was somewhat directly involved in was the 1990 Act, after it was passed. The question was how to respond to what was projected to be a very large increase in the immigrant visa workload. That has to do with how we got to have a central

Library of Congress

facility in Rosslyn [VA], which won't be moved until some time in the middle of next year [1993] to New Hampshire. Do you want me to talk about that?

Q: Yes. Would you please?

OTTO: When the 1990 Act passed, the major provisions, at least, in terms of immigrant visas covered a large increase in legal immigration. The Visa Office analyzed what the overall impact would be, and, based upon the workload approach used for the consular package. (The consular package is the annual report from each Consulate or Consular Section, describing certain types of activities by workload.) The initial projections were that the immigrant visa workload, on an overall basis, would probably go up by about 35% in terms of total workload — 60-70% in certain areas and less in other areas. The question then was how do you respond to that kind of workload in terms of the resources that are necessary to issue immigrant visas? One way would have been to increase the resources at Foreign Service posts by that percentage. That carries with it its own implications in terms of office space, first of all, and then equipment and support costs. You have to be pretty sure that you know where the impact is going to hit. Otherwise, if you build up in anticipation of an impact and for some reason it isn't there — it goes elsewhere...

Q: It's not really transferable.

OTTO: It's not easily transferable. Also, you have to take a look at how you go about deciding on what kinds of resources you're going to need. Do you take the averages on a worldwide basis for productivity for your American and your Foreign Service National staff, increase it by about 45% and see what that costs you, leaving aside the question of, if you've got the money to pay for it, where would you put them? And then we compared that to what it would cost to do something slightly different. I think that "slightly different" is a slight understatement.

The other approach asked whether we could do something that would be just as beneficial, perhaps, in certain ways to immigrant visa issuing posts and less likely to be

Library of Congress

affected by changes in where people actually apply. That was the basis of centralization, one form of centralization. We looked at various, different things. We looked at the possibilities of a system whereby you would have certain posts — large posts which you would assume would bear the brunt of the increased workload. We would not change anything for those posts, because they were already working very efficiently, in terms of the economies of scale or organization. It's interesting, as a side note, to say that when you look at statistics about immigrant visa issuance based on consular package data, the posts that are larger tend to be more efficient than the posts that are smaller.

That is nothing new to anyone, but when you try to determine how to use scarce resources and what resources do you need, and how do you use them and where do you put them, the advantages of having larger scale operations become very apparent. If you increase the workload in a place like Czechoslovakia by 45%, it means that you have to add one additional employee. Will you really get full use of that employee if he is in Czechoslovakia? Because you get into the question of partial work years for people. So one of the things that we looked at in terms of centralization was to leave the largest posts aside. There are about, I don't know, eight or ten around the world. Don't change anything. But try to centralize certain types of operations for the rest of the world. That was looked at, and it has some advantages, but it's not a clean system, really.

So we then went one step further and said, "OK, what are we really trying to do?" The answer was that we're trying to meet an increase in workload that's going to be worldwide in its impact. We think we can take a look at petitions already on file and the provisions of the Act and make a fairly good guess where this workload is going to hit. When we did that, we came up with some of the obvious answers: Mexico, the Philippines, the Dominican Republic, etc. There were about, I think, 18 different countries involved. The Visa Office, in its analysis, said: "We'll probably have increased immigration resulting from the Act." Now this analysis also included things like the AA-1 program, or the lottery, as well as the new employment provisions and the legalization benefits, and the special categories that were given for a limited period to the relatives of people who were legalized

Library of Congress

by the 1986 Act. When we looked at all of that, we basically came to the conclusion that if we could take from the posts that work which was the least analytical in nature and the most basic and do it for them at a central location in the United States, we could realize economies of scale. We might not have to increase sizes of staff across the board if we knew where to put them, really. However, we would probably have to increase staffs in certain, key places: Mexico, Ireland, the Philippines, and Hong Kong. Hong Kong was included because it has our provisions for the Hong Kong employees of American companies. If all of the opportunities are utilized, it will about double their workload in Hong Kong.

We looked at the process across the board and said, "If we took off the first part, in other words, instead of having petitions go from the Immigration Service directly to Foreign Service posts, have them go to one central location. We could take those petitions, which have certain documents attached to them. We could enter certain data from all cases into a central system, called IVACS. This system is available to certain posts which handle about 80% of the visa workload.

Q: IVACS being?

OTTO: The Immigrant Visa Automated Control System — or something like that.

Q: These are linked up to a computer.

OTTO: Yes. It's an automated system that allows for processing immigrant visas at a Foreign Service post. It speeds up the work. It makes it easier when you have large numbers. If we could take that part of the workload and do it at a center, taking out the non-current cases in the process, then, in effect, we would have cut down appreciably on the amount of data entry that needed to be done, as well as the initial correspondence. Because, in addition to taking the petitions and entering the data and sending data tapes

Library of Congress

to these posts, we would also send the Packet 3, the first communication on current cases, as well as the Packet 3-A on non-current cases, saving that work also.

We pursued all of those lines, and basically the people back here, who had to make decisions, both within the Consular Affairs Bureau as well as within the management area of the Department of State — Budget and Finance, etc — agreed to this proposal, and that is what we decided to do. We then had to enter into the process of selecting a contractor to do this work, because we felt that this was the only way that we could get something up and running sufficiently quickly and have an impact on the Fiscal 1992 work. I say it that way because the Act was passed late in 1990 — I think it was actually passed by the Congress in late October and signed by the President at the end of November. The Act was to take effect in Fiscal 1992. So we had, in effect, from November [1990] until October 1, 1991, to get something in place so that when Fiscal 1992 started, we would have some way of coping with the increase in workload.

The elapsed time from when the decisions were made until the process was started covered the period from October, 1990, to late February or early March, 1991. Then we arranged to hire the contractor to do the work and to inform our consular posts as to how we were going to do things.

Arranging the contract took from the beginning of April [1991] to the end of July [1991]. The data center was established and actually began operating on October 1, [1991]. While negotiating the contract we also had to discuss with the Immigration and Naturalization Service how we were going to handle this matter. For example, we needed to find out whether they liked this idea. Would they agree to do the things we wanted them to do? We found them very willing to do it. They have four Regional Service Centers to adjudicate the majority of these petitions. Petitions will also be adjudicated at District Offices and other places in the system where they have excess labor and too many petitions. But the overwhelming number of petitions — and I don't know what the percentage is, but the overwhelming number — is done at the four Service Centers.

Library of Congress

These Service Centers had been sending the petitions direct to Foreign Service posts. The INS was overjoyed to be able to deal with one central location in the United States. We negotiated a memorandum of understanding with the INS on the kinds of cases to be handled, where they would be sent, and when they would be sent (daily or monthly, as compared to having large numbers of cases appearing less frequently). We developed a good working relationship with the INS. We were able to do the things that we needed to do.

I think the main problems were, initially, trying to figure out exactly what the system should do. First of all, there were discussions at the working level of the CA [Consular Affairs] Bureau, within the Visa Office, within the Executive Office [of the Bureau of Consular Affairs], as well as the front office [of CA] as to what way would work best. I would say that that series of discussions was not always easy. When you're trying to do something that's really different and new, it's always easier to focus on the problems which may occur than on what the benefits will be. Certainly, part of the concern was that Foreign Service posts and the Visa Office, had been less than totally enamored with the efficiency and the accuracy of the INS Regional Service Centers.

Q: We were saying now — we just took a short break — that there was dissatisfaction with these sites [Service Centers] which had been previously established?

OTTO: Yes. The Immigration Service — again, I don't know whether there is any documentation for it; it is our view — at one point decided that it could not handle the workload of adjudicating petitions. Backlogs had developed over time which just had to be resolved. So they decided to set up Regional Service Centers. Basically, the Regional Service Centers can handle paper. They can process paper. The question is how well they process. I think that that is a real problem for anybody on a management level. Assuming that they process it technically and proficiently, at least within certain margins of error, the question is also, qualitatively, what about the content of the approvals? I mean how do the documents produced compare with the benefit being sought? Is it just a paper

Library of Congress

review which concludes, "Yes, the paper is here. The paper shows that the relationship exists. Therefore, the petition is approved." Or do you look at things such as, is it possible that these documents are not real documents? Is the petition of an 89-year-old man to admit his 19-year-old wife and three children born prior to his marriage to her inherently credible? There is a question of whether the documents attached to the petition should be accepted. I think that Foreign Service posts in general terms were concerned that the documentation that they were getting was qualitatively not all of that good, but they realized over time that there wasn't much that they could do about it. Moreover, there were lots of errors in the petitions, miscategorizations, or statements that a person was a spouse when he or she was really a brother or sister. Names were sometimes not correct — the wrong name or the wrong sequence of names. Birth dates were not always correct, etc.

Well, we felt that we could address some of those things at our own Center. However, the initial reaction, at least in part from some people in the Foreign Service, to the idea of a State Department center to do these things was, "You will be just like another INS Service Center. What we will be getting out of you will be no better in quality or quantity than it was from the Immigration Service." The Immigration Service also had another disadvantage. Because of the press of inquiries to them, you never really could telephone them directly to get any kind of information. And the question was, will we be able to get any better response out of you than we get out of the Service Centers? What we tried to do was to assure people that, first of all, we were going to try to do a good job in quality terms. And that we certainly would try to do a good job in terms of being responsive to inquiries from the public and our consular posts, and that we would put out a good quantitative product — lots of product quickly and reduce the time it takes to handle a case. Previously, when a consular post received a petition from an INS Service Center, time was lost in receiving it through the pouch. A consular post might receive petitions that had been approved some three, four, or five months earlier. You didn't know how much of the time the petition was

Library of Congress

sitting around the Service Center or how long it was in transit to the State Department pouch.

Well, at least we knew that when we got the petitions from the Service Center, we planned to have them processed at our own Center within certain time frames and the data recorded. We planned to be answerable not only to the public but to our posts. Secondly, we intended to do a quality check on the Immigration Service. Indeed, if you ever talk to some of the people who are running this program now at the Center, you will find that they regularly find errors made by the Service Center in processing the petitions. In fact in the memorandum of understanding with the Immigration Service we have been given the authority to make changes that are not substantive in nature. If a birth date was not recorded correctly, we can change the birthday. It has to go through a consular officer assigned to the Center, rather than to an employee of the contractor. There are some things that we do send back to the INS, however. But we send them back from the Center, rather than going all the way to a Foreign Service post, being discovered there, and going all the way back to a Service Center and perhaps never getting any kind of answer. So we try to have our own Center act as a conduit and work directly with the Immigration Service Centers — in effect, between the INS Service Centers and our Foreign Service posts.

We looked at what software systems should be used in order to do this. IVACS, obviously, was the first choice, because it is a system used at Foreign Service posts and will continue to be used at Foreign Service posts. The people responsible in the Consular Affairs Bureau for the integrity of our systems wanted to make sure that they did not lose control over the systems. When you have — I think now that the number of IVACS posts is around 45 or so — that many posts doing things, you have to make sure that everybody's doing basically the same things in the same way, at least in terms of their systems. The fear was that if we didn't use IVACS, at least at the Foreign Service posts, we would have problems with changes creeping into the system, from the our own Center, because it was using a different system. The contractor we selected to run our Center took a look at IVACS and said, "IVACS is designed, perhaps, for processing at a Foreign Service post, but it doesn't

Library of Congress

tell us enough about what we need to do here, in order to do all the things that we think we should be doing here. Therefore, we're going to need a different software system in the center than IVACS."

We all looked at this, discussed it, and agreed that that would be OK. But whatever that system produced in the way of data tapes to go to IVACS posts, had to be configured in such a way that, first, they would be acceptable and, secondly, it would look as if it were one IVACS system talking to another IVACS system. They said, "That is not a problem. We can do that." In fact, that has been done. As a result, the software system being used at the Center right now had its origins in the Automated Refugees Tracking System, a system devised by the Bureau of Refugee Affairs for handling refugee cases. It had been modified by the contractor in connection with the contract it had to process Russian refugees under its arrangements with the Washington Processing Center. It was further modified to handle immigrant visa cases.

This software system provides more information than IVACS does. It "captures" more information than IVACS does. As a result, we are able to handle inquiries very easily and quickly. We have things like telephone numbers of lawyers. We have petitioners' names and addresses and telephone numbers electronically recorded. We have information in there which tells us how far a case has been handled at the Center, which would not normally be available. IVACS has that information implicitly, but there are certain key things that have to be done at the Center that aren't done at Foreign Service posts.

For example, at any Foreign Service post that I'm aware of a petition and its documentation is received. If you're at an IVACS post, the petition goes to a data processing person who sets up a case. The person enters the case in an alphabetical file. He or she doesn't put the petition into a folder or assign it a case number. If you want to find the petition, you have to have the name of the person. IVACS has its own case file, but there is never a folder for a file. At the Center we run everything off the case file number. We file the petition in folders. This has the advantage that, for example, we're

Library of Congress

creating a central file repository at the Center for non-current cases. By having them in file folders with these numbers we don't have to worry about running an alphabetical file, in the first place. In the second place, we can color code our folders so that cases for certain posts — ultimately destined for certain posts — are all more or less grouped together. You can check these things because you put the color coding on. Of course, you have to do this work right. If you do it wrong, it's anarchy. If you do it right, you have a system for file retrieval, based on the file number. There are ways of "bar coding" that information at various stages in the process. So you can produce labels for mailing or to indicate to the system that Packet-3's have been sent, etc. These are things that would have required specific case manipulation at an IVACS post. This way you can do it from remote stations and things of that nature.

The contractor was very effective in getting the system up and running. We worked with them — that is, people in the Department and in CA [Consular Affairs Bureau]. The Visa Office has had a role, but it has not been a central role, at least in terms of establishing or operating the Center. However, the Visa Office has been closely involved in the running of the lottery program. That may have some impact later on, but history will tell how all of that sorts out. There are other things to be said, but I'm not sure whether you want to ask questions about some of the aspects.

Q: Just to get a little feel for the bureaucracy of this. INS [Immigration and Naturalization Service] had these regional centers which really weren't very good. I mean, from what you were saying earlier, there were problems. How did you go about arranging for a contractor? Normally, you have to invite bids. What did you look at and decide that we're not going to let happen to us? We're going to have something better. How did you...

OTTO: The procurement process is sort of a separate subset of the whole thing. The procurement process basically started out with a written document which describes what it is that you want the contractor to do. This has a name within the procurement process called a "Statement of Work." In the Statement of Work we put down everything that we

Library of Congress

thought that we wanted the contractor to do and how we wanted them to do it. That is, we had to be somewhat general because there was no precedent for this. The Statement of Work, however, was reviewed by various parts of the Consular Affairs Bureau and the Visa Office to make sure that everything that we thought needed to be in there, in fact was in there. So you got down to very specific things, such as, for example, the following data have to be entered for every immigrant visa case created. I was largely responsible for the drafting of the Statement of Work. I couldn't write it entirely by myself, but I was responsible for putting it together. I went to the people and said: "OK, what are the fields? Give me a listing of the fields in IVACS." I went through that and I said, "OK, you have to put down the name of the applicant, the name of the beneficiary." So I ran through, item by item in the Statement of Work, all of the fields that would have to be put into IVACS, at that time thinking that IVACS would be the software system that would be running the Center. I noted that you have to mail a Packet 3 to the posts, you have to file those cases, you have to be able to retrieve those cases by priority date, by name, by visa category, and all of that. You write it all down — exactly what you want them to do. Then that is used as a basis for interested companies to prepare their proposals.

These proposals are looked at by a committee, which evaluates and grades them. This is then the basis for a contract of work. Now that's a very quick overview of the procurement process. But you do look, in detail, at what you want the contractor to do.

Q: How do you know that you have a good contractor?

OTTO: Before hand you don't necessarily know. The first thing you do is that you put an announcement in the COMMERCE AND BUSINESS DAILY that you are going to be soliciting proposals to create a centralized immigrant visa processing center. You describe in general terms what that will do. You state when your solicitation will be ready, because the solicitation is really the Statement of Work. You prepare that Statement of Work and add a certain date by which you have to have it done. Then any company which has seen this advertisement in the COMMERCE AND BUSINESS DAILY can request

Library of Congress

a solicitation. The solicitation is really a little bit more than a Statement of Work, but the guts of it is the same. It basically tells the company what it is that you want them to do. They take that, read it, and decide if they're interested in pursuing it. A certain amount of time after the solicitation goes out you hold what they call "a pre-proposal conference." You notify everybody who has requested a solicitation of the place and location and time of this conference. You bring in your team which has been working on this. You have a court reporter there to record everything that goes on, verbatim, and then you answer the questions which these potential contractors have. It gives them an opportunity to ask you things about your proposal in your solicitation that might not have been clear. There's a deadline for the submission of proposals, and once that deadline is reached, the procurement people don't accept any more. Now, the people who are interested can also write in and ask questions, to which they are given written replies which are sent to everybody involved. I mean, it's not just the company which asks the question. Everybody who is interested, in effect, gets to know what that question was and what the answer is. The main priority in the procurement process is fairness. The companies submitting bids want to offer the government a good deal, they want the process to be competitive, and they want it to be fair. Once you get their proposals in, you then have a technical evaluation committee and a cost evaluation committee. The technical evaluation committee does not know what the cost evaluation committee is doing. That is being run by the contracting officer. The contracting officer is technically within the Office of Procurement in the Department.

The technical evaluation committee has the responsibility for looking at the proposals that have come in from the companies and grading them as to their technical proficiency. We had a group of four people on our technical committee: myself, an officer from fraud prevention, an officer from the Visa Office, and an officer from the place in the Department which deals with systems. It's called "Information Management," technically. We sat down and read through these proposals. We had a plan developed for grading them — the things that we were going to look at. We graded them. In this particular instance five or

Library of Congress

six initial proposals were initially submitted. Two of those, I believe, were rejected by the contracting officer as not meeting the requirements for procurement. Of four that were looked at by the team, two were determined to be within the competitive range, and two were not. We looked at the two and selected one of them as being clearly superior.

Meanwhile, the cost committee was looking at the amount of money these companies said will be needed to do what they said in their technical proposals. Then there was a series of negotiations between the technical committee and the cost committee. Because, basically, if the best technical proposal is also the lowest cost offer, there's nothing to argue about. However, if the best technical proposal is not the lowest cost proposal, then you have to go into the question of, "Is the technical aspect so superior that the fact that they're not the lowest bidder can be overcome in terms of what they will do." There are various aspects of that. I'm certainly not an expert. I've been through the process once. Basically, the standard used was making sure that the cost proposals are realistic. It's not just a matter of trying to be the lowest bidder. If somebody intentionally or unknowingly bids low, and the figure is not realistic, then it's up to the technical evaluation committee to explain why they feel the cost proposals by the lowest bidder or bidders are not realistic.

And that was the process that we went through. As a result, a particular company, Statistica, got the contract for the center. Now Statistica had had contracts from the CA Bureau before, as well as from other government agencies. Now, how do you know that they're a good contractor? You make the best judgment you can. I must say also that in this particular instance, when we went through this contracting process, we made it known that this was only a transition facility, that indeed it was going to be moving- -we knew by that time that it was going to be moving either to Kentucky or New Hampshire and that there would be a subsequent contract. So anybody who, in effect, bid on this one would have another chance. Certainly, whoever got the contract would have in mind that, if they screwed up on this contract, they would have no chance for the next contract at all. So there were some incentives, I think, to try and do it well. I have no qualms about the competitive process. I have no qualms about saying that Statistica has done a good job.

Library of Congress

Had they done a good job because this future possibility was out there? I can't say that. I think that in contracting it's a constant management situation. You just have to keep after everything. You have to let the contractor know that you're interested in what they're doing. You have to let them know if you're unhappy about something that they're doing. If you sit back and don't take an interest, then you run the risk of having the contractors not care very much.

Q: I can't think of anything else. Certainly, it's a complicated business, but I can't think of it right now. Unless you have something.

OTTO: I can't think of anything. I was deeply involved in this process. I was in this office at the time of 1986 Act. I was around CA — I was actually with a Commission created by the 1986 Act for a while. Then I'd been working in CA on various things, and then I got back, basically, into immigrant visa work with the 1990 Act and was involved with arranging for the implementation of that law.

The thing that strikes me is that the inertia that is involved in government in doing things differently is considerable. While I realize that that is something that you have to cope with, it would seem to me that there should be somewhat more flexibility or a somewhat greater willingness to think about change than perhaps is the case. Now you ought not to make changes just for the sake of change. But when circumstances in terms of your workload change precipitously, significantly, then I think you just have to think about what you should do. Can you do it differently? What if you do it differently? History will determine whether this makes sense or not. You make your decisions, based on your best judgments at the time. But certainly, you have to consider whether the way you've been doing things all along is OK. Sometimes you have to ask, "Well, why do we do things this way?" You think that people would take a look at that and say, "Well, you know. Maybe we don't like it, maybe we have our own view of what is better or not." But, indeed, there may have to be a tradeoff between service to the applicant and resource savings to the United States Government. And if, indeed, resource savings to the United States Government has

Library of Congress

greater importance than service to the applicant, maybe the applicants will have to travel longer distances and pay more money as a result to take advantage of immigration. But where does it say, in the greater scheme of things, that we have to, in effect, subsidize their desire to immigrate to the United States by providing a place for them to apply which is particularly convenient and close to where they live? I mean, that's the way it has been and I don't personally have anything against it. Personally, I'm a proponent of small posts. I think that we should have more small posts, because they have a better feel for what's going on in a foreign country. On the other hand, if the people that make decisions in the Department or in the Congress say, "You're just not going to have as much in the way of resources," you have to do something, somewhere. And when you have to do it, it's one reason why service is not going to be as good. Granted, we don't have enough money.

Q: Well, thank you very much.

End of interview